



Planning Commission Regular Meeting Agenda

Wednesday, April 29, 2026 at 6:00 PM

9103 E Frederick Ave.

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1. CALL TO ORDER & ROLL CALL

2. APPROVAL OF MEETING AGENDA

3. APPROVAL OF MINUTES

- a. [Motion to approve meeting minutes as presented or with any modifications.](#)

4. ACTION ITEMS

- a. [Periodic Update - Review Requested Modifications \(from 4/22/26 meeting\)](#)
- b. [Periodic Update - Review Ch. 17.38, General Provisions \(2/19/26\)](#)
- c. [Periodic Update - Review Title 17 Appendix A, Definitions \(2/19/26\)](#)
- d. [Periodic Update - Review Ch. 17.42, Wireless Communication Facilities \(3/23/26\) \(added due to Table of Permitted Uses update for C-2 antennas\)](#)
- e. [Periodic Update - Review Title 15, Construction \(4/15/26\)](#)

5. PUBLIC REMARKS

Public Remarks are an opportunity for citizens to address the Planning Commission either in-person or by submitting their remarks to remarks@millwoodwa.us. We ask that in-person speakers limit themselves to two minutes and follow the Citizen Participation Guidelines Policy as posted on the City of Millwood website www.millwoodwa.us/government#CityCouncil or available at City Hall prior to this meeting.

6. CITY PLANNER REPORT

- a. [City Planning Report for March 2026](#)

7. COMMISSIONER COMMENTS

8. SET NEXT MEETING - Special Meeting May 13, 2026 at 6:00pm & Regular Meeting May 27, 2026 at 6:00pm

- a. Periodic Update - Review Draft Development Regulations Updates

9. ADJOURNMENT



Planning Commission Special Meeting Minutes

Tuesday, March 31, 2026 at 6:00 PM

9103 E Frederick Ave.

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1. CALL TO ORDER & ROLL CALL

The Planning Commission Special Meeting was called to order by Commissioner Ankney at 6:00pm. A quorum was present.

PRESENT

Commissioner Mike Ankney
Commissioner Bobbie Beese - Arrived 6:02pm
Commissioner Jay Molitor
Commissioner Bill Rickard

2. APPROVAL OF MEETING AGENDA

Motion was made by Commissioner Rickard, Seconded by Commissioner Molitor to approve the meeting agenda.

Voting Yea: Commissioner Ankney, Commissioner Beese, Commissioner Molitor, Commissioner Rickard

3. APPROVAL OF MINUTES

- a. Motion to approve meeting minutes as presented or with any modifications.

Commissioner Molitor complimented Ms. Gill on her thorough minutes.

Commissioner Beese requested modification of pg.3, three paragraphs up from bottom to change from "1,1200 sq ft" to "1,200 sq ft".

Motion made by Commissioner Molitor, Seconded by Commissioner Rickard to approve the February 25, 2026 minutes with modification.

Voting Yea: Commissioner Ankney, Commissioner Beese, Commissioner Molitor, Commissioner Rickard

4. ACTION ITEMS

- a. Periodic Update - Review Existing vs. Proposed Review Processes Presentation

Ms. Tainio presented the Existing vs. Proposed Review Processes Presentation.

Ms. Tainio discussed permit approval authority and appeals, explaining that local governments establish the approval authority for each type of permit in which they designate whether the application goes through an administrative review and approval process or a quasi-judicial process, which is typically led by a hearing examiner.

Commissioner Molitor requested definition on quasi-judicial.

Ms. Tainio defined quasi-judicial as acting as a judge, giving an example of: variances go before hearing examiner, the hearing examiner acts as a judge in rendering his findings, conclusions, and decisions.

Ms. Tainio discussed State legislature has been considering (has not adopted yet but has been considering) mandatory use of a hearing examiner. Ms. Tainio discussed reasoning being hearing examiners can make objective decisions reducing a city's liability and avoid ex parte communications, allowing councilors and commissioners to have open conversations with neighbors when matters are administrative/legislative.

Ms. Tainio discussed comp plan amendments (one cycle per year), and development regulation amendments (anytime) recommending aligning cycles to improve consistency. Ms. Tainio explained the categories of permit types each having a specific review process and approval authorities.

Commissioner Beese discussed the value of having the flexibility of reviewing development regulation amendments at any time vs turning away an application due to a fixed review date. The commission discussed keeping development regulation amendments where they can be done multiple times a year.

Commissioner Beese expressed concerns about using a hearing examiner, highlighting unpredictability regarding their qualifications and knowledge of local context, stressing the importance of keeping the decision-making process close to the community to ensure residents have a say in developments.

b. Periodic Update - Review Ch. 17.06, Table of Permitted Uses (3/23/26)

Ms. Tainio outlined updates to the Table of Permitted Uses that were requested at the last meeting.

Commissioner Molitor requested clarification on going from "conditions apply" to just using "CS" to then changing to "specific use regulations apply".

Ms. Tainio explained replacing confusing "C" markers with "S" (specific-use regulations) to avoid implying conditional-use permit requirements; right column now points to exact use-regulation references for clarity.

Commissioner Molitor requested clarification on permanent supportive housing, transitional housing, emergency housing and emergency shelter being permitted in C1 but not in C2, asking clarity on consistency. Ms. Tainio explained due to C2 zone being mixed use, she did not believe that was one of the uses wanted to be encourage.

Ms. Tainio discussed Neighborhood Commercial in UR2/UR3 being introduced as a conditional use permit only, to pilot the new concept, with specific regulations. Ms. Tainio discussed business would be small scale neighborhood serving businesses that serve the daily needs of nearby residents, pedestrian oriented design, footprint limited to 4,000 sq ft, no drive-throughs, hours limited to 8:00am to 9:00pm, and seasonal outdoor seating is encouraged.

Commissioner Beese expressed concerns about the feasibility of this concept withing the specific context of Millwood, particularly regarding the impact on existing business districts and character of residential neighborhoods.

Chairman Ankney expressed concerns the concept may not be sustainable, recommending pulling Neighborhood Commercial from the agenda.

The commission asked for public remark from citizen LaDonna DeMent, 10306 East Empire. Ms. DeMent commented on issues currently with speeding and traffic in neighborhoods, emphasizing she does not want a business next to where she lives, stating she could see introducing the concept in the future when resident's homes start being bought out and people start selling for commercial.

The commission discussed and came to a consensus to pull Neighborhood commercial sections to allow further refinement and future discussion.

Ms. Tainio discussed housing explaining ADUs align with state law and cannot be more restrictive than single-family standards and duplexes can be a part of mixed-use developments depending on the zone.

Ms. Tainio discussed Beekeeping being added to UR2 and UR3, noting it is allowed unless it constitutes a public nuisance; enforcement is complaint-driven through code enforcement.

Ms. Tainio discussed building heights and accessory building consistency, having to maintain consistent measurements and cross references to RCW to avoid restricting ADU conversions. Ms. Tainio explained accessory buildings (including garages) taller than 24ft at highest point are subject to building code setbacks and additional requirements, therefore accessory/garage rules were separated from ADU rules to avoid conflicts. Commissioner Beese raised concerns on potential oversized garages overshadowing smaller residential homes. Ms. Tainio discussed looking at if Millwood can have lower heights for pole buildings and stricter design standards for the commission to review.

Chairman Ankney commented on reaching the hour and a half meeting time agreement, suggesting a special meeting to get back on schedule and complete remaining chapters.

Motion made by Chairman Ankney, Seconded by Commissioner Molitor to schedule a second meeting as needed to get caught up with action items remaining.

- c. Periodic Update - Review Ch. 17.08 to 17.18, Residential Zones (3/23/26)
- d. Periodic Update - Review Ch. 17.20 to 17.36, Commercial Industrial Public Zones (3/23/26)
- e. Periodic Update - Review Ch. 17.38, General Provisions (2/19/26)
- f. Periodic Update - Review Title 17 Appendix A, Definitions (2/19/26)
- g. Periodic Update - Review Ch. 17.42, Wireless Communication Facilities (3/23/26) (added due to Table of Permitted Uses update for C-2 antennas)

5. PUBLIC REMARKS

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Mayor Beese, 3610 North Sargent, commented on the commission reviewing potentially going to an administrative hearing, giving historical context as part of the council at the time post the Magnolia decision, explaining this was brought forward to council previously and robust discussion was had. Mayor Beese emphasized there was a lot of community comments about keeping neighbors making decisions for neighbors, giving the caveat it may be brought to council and public comments might be received to provide historical context. Mayor Beese thanked the commission for all their work.

LaDonna DeMent, 10306 East Empire, commented her experiences with Beekeeping detailing most honeybees are not usually aggressive unless you are messing with their hive. Ms. DeMent provided research on beekeeping noting honeybees forage widely up to 3 miles for their honey, they may go into someone else's yard if they need water however if beekeepers provide water for hives that shouldn't be an issue.

6. CITY PLANNER REPORT

- a. City Planning Report for February 2026

Ms. Tainio presented her February 2026 planning report.

7. COMMISSIONER COMMENTS

Commissioner Beese commented on the property across from City Hall on Argonne being renovated, questioning if the project is meeting the design standards of C2.

Ms. Tainio discussed a call was received by said property, noting only repainting and refacing is being done, and if interior work is needed it would be a cleanup only. Ms. Tainio discussed if an actual remodel is done a permit would be needed through the City of Spokane Valley.

Commissioner Molitor made no comment.

Commissioner Rickard made no comment.

Chairman Ankney thanked Ms. Gill and Ms. Tainio on their hard work, thanking the public on attendance. Chairman Ankney commented on attending a committee meeting with Mayor Beese, Council Member Sander and Council Member Stravens, and provided a reminder for "Coffee with the Mayor" held on April 15, 2026, at 10:30am.

8. SET NEXT MEETING - April 29, 2026 at 6:00pm

Special Meeting April 22, 2026 at 6:00pm

Regular Meeting April 29, 2026 at 6:00pm

a. Anticipated Agenda Items:

Periodic Update -review Draft Development Regulations Updates

Ms. Tainio discussed anticipated agenda items will be the remaining action items (d. through g.) from March 31, 2026, packet. Meetings will use the same primary packet, but the April 29th agenda may include additional items as needed.

9. ADJOURNMENT

Motion made by Commissioner Molitor, Seconded by Commissioner Beese to adjourn the Planning Commission Special Meeting at 7:42 pm.

Voting Yea: Commissioner Ankney, Commissioner Molitor, Commissioner Rickard

2026 PERIODIC UPDATE - DEVELOPMENT REGULATIONS REVIEW TRACKER

Periodic Update requirements and modifications for consistency / clarity have been incorporated into drafts prior to presentation to the Planning Commission:

- Chapter_18.08__CRITICAL_AREAS (10-20-25 & 12-31-25)
 - Chapter_17.04__TITLE__USE_ZONES__BOUNDARIES_AND_ZONES (2-19-26)
 - Chapter_17.06__TABLE_OF_PERMITTED_USES (2-19-26 & 3-23-26)
 - Chapter_17.08-Chapter_17.18_RESIDENTIAL (2-19-26 & 3-23-26)
 - Chapter_17.20-Chapter 17.36_COMMERCIAL-INDUSTRIAL-PUBLIC (2-19-26 & 3-23-26)
 - Chapter_17.38__GENERAL_PROVISIONS (2-19-26)
 - Chapter_17.42__WIRELESS_TELECOMMUNICATION_FACILITIES (3-23-26)
 - Chapter_17.48__ESSENTIAL_PUBLIC_FACILITIES (2-19-26)
 - Title 17 APPENDIX_A__DEFINITIONS (2-19-26)
 - 2026 Periodic Update - Existing vs. Proposed Review Processes 3-31-26
- **2/25/26 Planning Commission Meeting**
 - Table of Permitted of Permitted Uses - PR-1 changed to P-1

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR P-1</u>	<u>USE REGULATIONS</u>
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- Title 17 Appendix A Definitions - check definition of family daycare provider to include adult daycare (Definition from RCW, Adult Family Home includes adult daycare)
- Allow short roof mounted wireless antennas in C-2 (add to Table of Permitted Uses and Type 1 in MMC Ch. 17.42)

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR P-1</u>	<u>USE REGULATIONS</u>
<u>Wireless Telecommunication Towers, Antennas, and Facilities</u>	<u>X/A</u>	<u>X/A</u>	<u>X/A</u>	<u>S</u>	<u>X S</u>	<u>S</u>	<u>S</u>	<u>Refer to Chapter 17.42 for specific requirements and location limitations</u>

17.42.050 Development standards for Type I facilities on existing buildings or other existing support structures.

- A. Type I facilities are not permitted in residential districts/zones. Type I facilities are permitted on existing buildings or other existing support structures in areas zoned C-1 commercial district/zone, C-2 low-intensity commercial/mixed use zone, I-1 light industrial district-zone, and PR-1 public reserve district-zone subject to the conditions listed in this section.

- G. Type I facilities located in C-1 and C-2 commercial / mixed use districts-zones shall be stealth facilities or concealed antennas. Within the C-2 zone, Type I facilities shall only be located on roofs.

○ Adjust wording of ADUs #8 (17.16.010A) for clarity

8. ADUs must comply with MMC 17.08.010 Residential Development Standards and standards shall not be more restrictive than those for principal units. The parcel must meet all code requirements including site coverage with the exception of the rear yard and side yard setbacks which can be reduced to five feet,

○ Animals / urban agriculture section corrections in UR-2, UR-3, C-1, and C-2, allow fowl / rabbits in UR-3, and bees in additional zones. Review continued at 3/31/26 meeting.

○ Review of MMC Ch. 17.04 (2/19/26), Ch. 17.48 (2/19/26), & Ch. 18.08 (12/31/25) complete

○ Request by citizen to review Millwood Historic District language under UR-2, UR-3, and C-2 (changed shall to should consider for consistency with historic register) - only designated registry properties are required to comply, other properties it is optional and at owner's discretion, provided as a resource for homeowners

Millwood Historic District.
In addition to the design standards above, parcels within the Millwood Historic District should consider the Historic Millwood Resource Guide, v1-0 dated September 5, 2025 or as amended and adopted by the Millwood Historic Preservation Commission and Millwood City Council, for improvements, repairs, and modifications of Millwood's historic homes and structures.

● 3/31/26 Planning Commission Meeting & 4/10/26 Meeting w/ Commissioner Beese

○ Remove Neighborhood Commercial from Table of Permitted Uses, Residential Zones, and Title 17 Appendix Definitions (keep in file for possible future inclusion)

○ Bring back review process for discussion of Hearing Examiner system use

○ Keep Development Regulations amendments as multiple times per year instead of once per year w/ Comp Plan option

○ Raise short plats up to 9 lots and subdivisions to 10+ lots

○ Added definition in Title 17 Appendix for “Public Utility Local Distribution Facility”, corrected “Public Utility Transmission Facility” definition, removed “Utility Services Systems” from Table of Permitted Uses (duplicative and not commonly used in area), and added Public Utility Local Distribution Facility with Public Utilities / corrected Public Utility Transmission Facility with EPF reference added
- Table 17-1
- | <u>USE</u> | UR-1 | UR-2 | UR-3 | C-1 | C-2 | I-1 | <u>PR</u>
<u>P-1</u> | <u>USE</u>
<u>REGULATIONS</u> |
|------------|------|------|------|-----|-----|-----|-------------------------|----------------------------------|
| | | | | | | | | |
- 4/23/26
- 2026 PERIODIC UPDATE - DEVELOPMENT REGULATIONS REVIEW TRACKER
- 2
- 7

Public Utilities / <u>Public Utility Local Distribution Facility</u>	P	P	P	P	P	P	P	
Public Utility Local Distribution <u>Transmission Facility</u>	X	X	X	X	X	P	CUP	<u>CUP 17.44.070 - 130 & Refer to 17.48.050 Location of EPFs</u>
Utility Services Systems	X	X	X	X	X	P	X	

"Public Utility" means a regulated public or private enterprise with an exclusive franchise for providing public service paid for directly by the recipient of that service.

"Public Utility Local Distribution Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public utility.

"Public Utility Transmission Facility" means any building, structure, or device which does not directly transfer to the public the service or supply provided by a public utility, including telephone, electric (greater than 55,000 volts or 55 KV), gas, cable television, water and sewer, and all other facilities, equipment, and structures, including substations, switching stations, and reservoirs.

"Public Utility Transmission Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public entity.

- Added Duplex & Stacked Flat to C-1/C-2 in Table of Permitted Uses (C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B))

Table 17-1

<u>USE</u>	UR-1	UR-2	UR-3	C-1	C-2	I-1	<u>PR P-1</u>	<u>USE REGULATIONS</u>
<u>Stacked Flat</u>	<u>P</u>	<u>P</u>	<u>P</u>	X <u>S</u>	X <u>S</u>	<u>X</u>	<u>X</u>	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>
Duplex	P	P	P	C <u>S</u>	X <u>S</u>	X	X	<u>C-1/C-2 - Refer to Residential / Commercial Mixed Use 17.26.010(B)</u>

- Added "Must be" to UR-1, UR-2, and UR-3 under subsection B

17.10.040 Libraries, churches, art galleries, schools.

B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.

17.12.030 Libraries, churches, art galleries, schools.

B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.

17.14.030 Libraries, churches, art galleries, schools.

B. Must be on property of not less than twelve thousand (12,000) square feet with not less than one hundred (100) feet of continuous frontage on an improved street, with a minimum lot width the same as that of the lot frontage.

- Concern with Accessory Buildings being taller (to accommodate Detached ADUs) when they are a pole building style. Detached ADUs must be allowed to be at least 24 feet in height and ADU requirements cannot be more restrictive than those for a principal unit. Pole buildings / metal is not currently a prohibited building type / material for Millwood residential zones. Revised 17.08.010, Table 17-2 to adjust heights and setbacks for accessory buildings and added a note about sq. footage under lot coverage to comply with RCW as well as 5' separation exemption.

17.08.010 Residential UR-1, UR-2, and UR-3 development standards.

Residential Development in the UR-1, UR-2, and UR-3 zones shall meet the standards shown in Table 17-2.

Table 17-2

		UR-1	UR-2	UR-3
Building Setbacks	Front	25 ft.	25 ft.	25 ft.
	Rear	25 ft.	25 ft.	25 ft.
	Side			
	1 Story / Height up to 20 ft.	5 ft.	5 ft.	5 ft.
	1.5 Story / Height up to 28 ft.	10 ft.	10 ft.	10 ft.
	2 Story / Height up to 35 ft.	15 ft.	15 ft.	15 ft.
	Flanking Street	15 ft.	15 ft.	15 ft.
Accessory Building Setbacks (2)	Side	5 ft.	5 ft.	5 ft.
	Rear	5 ft.	5 ft.	5 ft.
Maximum Building Coverage (3)		40%	40%	40%
Maximum Total Lot Coverage (14)		60%	60%	60%
Building Height (5) (6) (7)		35 ft.	35 ft.	35 ft.
	Accessory Buildings	25 ft.	20 ft.	20 ft.
Building Height (2) (4)	Single Family & Duplex	35 ft.	35 ft.	35 ft.
	Accessory Bldg. (3) (5)	25 ft.	20 ft.	20 ft.

(2) Accessory Buildings shall not be located closer than 25 feet to the front of the lot, consistent with front setbacks for principal units. Accessory Buildings taller than twenty (20) feet shall be set back 10 feet from side and rear property lines. Detached ADUs can be sited at a lot line if the lot line abuts a public alley, unless the City of Millwood routinely plows snow on the public alley. Also refer to Accessory Building regulations within each zone with Detached ADUs being exempt from the prescribed size limitations applicable to Accessory Buildings. When multiple buildings that require site plan and/or building permit review are located on a parcel, each building must be separated by at least 5 feet.

(3) For infill development, when existing homes are preserved and middle housing is added elsewhere on the lot, the existing home is exempted from the maximum building coverage. Lot coverage limitations cannot require an ADU to be less than 1,000 sq. feet; however, an applicant may choose to build a smaller size.

(4) Includes all other impervious surfaces

(25) Building height shall be measured from average grade level to the highest point of the structure

(36) In compliance with RCW 36.70A.681, Accessory Buildings taller than 24 feet (at highest point of structure) shall comply with Building Setbacks based on height for side setback (10 ft. for 25 ft. to 28 ft. and 15 ft. for 29 ft. to 35 ft.). Rear setback shall match required side setback from property line for accessory buildings taller than 24 feet when an accessory building contains a Detached ADU, it is permitted to be up to 25 feet in height. Maximum wall height not to exceed 16 feet

(7) A building can exceed maximum roof height limit by 48 inches to accommodate a roof-mounted solar energy panel.

Additional exceptions to roof height and setbacks apply to retrofits of existing buildings for residential housing in accordance with RCW 36.70A.810. Refer to MMC 17.18.050 for more information.

(4) No structure shall exceed 2 stories in height

(5) Accessory buildings taller than sixteen (16) feet shall be set back an additional one foot for each one foot of building height in excess of sixteen (16) feet to a maximum setback of ten feet from any property line.

- Research on beekeeping, fowl, and rabbits in urban environments / review other jurisdictions (City of Spokane Valley). **Added definitions for beehive and beekeeping in Title 17 Appendix, prepared City of Spokane Valley and Spokane County zoning comparison exhibit, and included draft language based on zoning comparison. Also added rabbits to UR-1 consistent with fowl (apparent oversight on previous non-inclusion).**

"Beehive" means a structure designed to contain one colony of honey bees (*apis mellifera*) and registered with the Washington State Department of Agriculture per Chapter 15.60 RCW or as hereafter amended.

"Beekeeping" means the keeping of beehives on a lot. See Agriculture (Urban) / Animal Keeping, use category.

17.10.010 Animals (Animal Keeping - Large and Small) and Agriculture (Urban).

In the UR-1 zone animal requirements are as follows:

A. An occupant or resident may keep or maintain for his/her own personal use animals and fowl on the premises of his/her dwelling (provided that any building housing animals or fowl, or yards, or runways shall be not less than fifteen (15) feet from any property line, and further provided that no fowl, animal or animals may be slaughtered on such premises) as follows:

- A1.** Household pets as defined in the animal control ordinance are permitted provided, they are maintained in compliance with the animal control ordinance;
- 2B.** Up to twenty-five (25) female fowl or rabbits for the personal use of occupants on the premises are permitted;
- 3C.** Livestock units are defined as: one horse, mule, donkey, burro or bovine or two goats, llamas, alpacas, or sheep. No other animals including pigs or swine shall be allowed;
- 4D.** One livestock unit shall be allowed per gross half-acre. No livestock shall be permitted on less than one-half acre;
- 5E.** Private and commercial kennels are prohibited;
- 6F.** The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

B. An occupant or resident may utilize open space for agriculture as follows:

- 1.** Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
- 2.** Sales will only be permitted through an approved Home Business;
- 3.** Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
- 4.** Hobby beekeeping is allowed when the following requirements are met:
 - a.** The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b.** Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c.** A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d.** Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e.** The beekeeper shall be certified by the Washington State Beekeeper's Association.

17.12.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

A. In the UR-2 zone animal requirements are as follows:

- A1.** Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- 2B.** The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.

- ~~3C.~~ The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
- ~~4D.~~ The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
- B. An occupant or resident may utilize open space for agriculture as follows:
1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 2. Sales will only be permitted through an approved Home Business;
 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
 4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

17.14.010 Animals (Animal Keeping - Small) and Agriculture (Urban).

- A. In the UR-3 zone, animal requirements are as follows:
- ~~A1.~~ Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
 2. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
 - ~~3B.~~ The ~~keeping, maintaining or~~ slaughtering of any animals, livestock or poultry is prohibited.
 - ~~4G.~~ The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.
- B. An occupant or resident may utilize open space for agriculture as follows:
1. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
 2. Sales will only be permitted through an approved Home Business;
 3. Community gardens are permitted with up to two parking spaces and outdoor lighting that complies with 17.18.030 (Residential outdoor lighting);
 4. Hobby beekeeping is allowed when the following requirements are met:
 - a. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 - b. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 - c. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 - d. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 - e. The beekeeper shall be certified by the Washington State Beekeeper's Association.

Chapter 17.26 SUPPLEMENTARY USE REGULATIONS IN COMMERCIAL ZONES

SUPPLEMENTAL DEVELOPMENT REGULATIONS

17.26.010 ~~[Supplemental-Supplementary development use regulations-]~~

Where permitted pursuant to Table 17-1, the following conditions shall apply

D. Animals (Animal Keeping - Small) and Agriculture (Urban).

1. Animal requirements are as follows:

- a. Household pets as defined in the animal control ordinance are allowed provided, they are maintained in compliance with the animal control ordinance;
- b. The keeping of up to four female fowl or four rabbits is allowed. Other livestock is prohibited.
- c. ~~The keeping, maintaining or slaughtering of any animals, livestock or poultry is prohibited.~~
- d. The keeping, maintaining and raising of exotic animals as defined by the Spokane County animal control regulations, as may be amended with the addition of nonhuman primates, is not allowed.

2. An occupant or resident may utilize open space for agriculture as follows:

- a. Garden cultivation, orchards, seed production, flower growing, etc. are allowed for personal use;
- b. Sales will be permitted through an approved business or Home Business;
- c. Community gardens are permitted;
- d. Hobby beekeeping is allowed when the following requirements are met:
 1. The number of beehives shall be limited to one beehive per 4,356 gross square feet of lot area;
 2. Beehives shall be set back a minimum of five feet from a side or rear property line and 25 feet from the front property line;
 3. A flyaway barrier shall be provided that is at least six feet high and consists of a solid wall, solid fencing material, dense vegetation, or combination thereof, that is parallel to the side or rear property line(s) and extends beyond the beehive(s) in each direction that bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the beehives;
 4. Beekeepers shall maintain an adequate supply of water for bees located close to the hives; and
 5. The beekeeper shall be certified by the Washington State Beekeeper's Association.

- Adjusted Commercial lot coverage and setbacks based on review of C-1 and C-2 parcel locations.

17.20.010 Commercial-C-1 and C-2 development standards.

~~Commercial development~~ in the C-1 and C-2 zones shall meet the standards shown in Table 17-3.

Table 17-3

		C-1 <u>(1)</u>	C-2		
<u>Front Yard Building Setbacks</u>					
<u>Structure Front Setback</u>	Minimum	25 ft. min.	N/A		
	Maximum	N/A	25 ft. max.		
Parking		15 ft. min	See 17.24.020 & 030		
Rear Yard Setback		15 ft. min.	20 ft. min. 15 ft.		
Side Yard Setback		5 ft. min.	N/A 0 ft.		
Flanking Street		15 ft. min.	N/A		
<u>Abutting Residential Zone (up to 2 Story Height)</u>		15 ft. min. (2)	5 ft.		
<u>Adjacent Abutting to Residential Zone (3 Story Height)</u>		15-20 ft. min. (2)	10 ft.		
<u>Abutting Residential Zone (4 Story Height)</u>		25 ft. min. (2)	15 ft.		
<u>Maximum Total Lot Coverage (3)</u>		<u>Mixed use (4)</u>	<u>Commercial Only</u>	<u>Mixed use (4)</u> <u>Total Lot Coverage</u>	<u>Commercial Only</u> <u>Total Lot Coverage (1)</u>
<u>Site Coverage including impervious surfaces</u>		85%	75-70%	85%	70%
<u>Building Height (5)(7)</u>		up to 3 stories / 35 ft. max (36)		up to 3 stories / 35 ft. max (26)	
<u>Building Height - Trent Frontage (5)(7)</u>		45-up to 4 stories / 48 ft. max (4)(5)			
<u>Adjacent to Residential—no intervening street or alley</u>		Residential zone standards apply			

- Adjusted administrative exceptions under 17.35.005(H)(5) was modified to reduce lot coverage exception from a proposed 25% to 10% since RCW/WAC exception was included.
- H. Administrative Exceptions. An administrative exception may be approved for the following ~~when~~:
 - a. ~~Where the required setback is greater than five feet, a deviation of five feet or less~~
 - b. ~~Minimum lot area where the deviation is for ten percent or less of the required lot area.~~
 - c. ~~Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.~~
 - 1. ~~Any dimensional requirement which does not exceed one foot.~~
 - 2. ~~A setback deviation of up to four feet, when the required setback is five feet or greater and the deviation will not result in a building or fire code violation.~~
 - 3. ~~Minimum lot area requirements where the deviation is for 10% or less of the required lot area.~~
 - 4. ~~Minimum lot width requirements where the deviation is for 10% or less of the required lot width.~~
 - 5. ~~Maximum building coverage or lot coverage requirements where the deviation is for 10% or less of the maximum building / lot coverage.~~
 - d. ~~Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.~~
 - 7. ~~Exceptions required to meet current RCW/WAC requirements.~~

- 4/22/26 Planning Commission Meeting

- Instead of switching to a full Hearing Examiner System, Millwood will keep the current hybrid review system with refinements for process and prepare a development regulations layout that is easily converted to a full Hearing Examiner System in the future.
- It was determined that the requirement for certification by the Washington State Beekeeper's Association (<https://wasba.org/education/introduction/>) for Hobby Beekeeping under Agriculture (Urban), could be any of the certification levels with Beginning Beekeeper identified for hobby beekeeping per the WASBA.
- In UR-1, UR-2, and UR-3, under "Cottage Housing", change typo of quality to qualify
e. Critical areas and their buffers, including steep slopes, shall not qualify as common open space.
- Add height reference in feet to accompany stories in Commercial and Industrial. Also added shoreline open space reference to I-2 and corrected CUP option for increased height in I-2.

17.20.010 Commercial-C-1 and C-2 development standards.

Commercial development in the C-1 and C-2 zones shall meet the standards shown in Table 17-3.

Table 17-3

		C-1 <u>(1)</u>		C-2	
<u>Front Yard Building Setbacks</u>					
<u>Structure Front Setback</u>	Minimum	25 ft. min.		N/A	
	Maximum	N/A		25 ft. max.	
Parking		15 ft. min		See 17.24.020 & <u>030</u>	
Rear Yard Setback		15 ft. min.		<u>20 ft. min.</u> <u>15 ft.</u>	
Side Yard Setback		5 ft. min.		<u>N/A-0 ft.</u>	
Flanking Street		15 ft. min.		<u>N/A-0 ft.</u>	
<u>Abutting Residential Zone (up to 2 Story Height / 30 ft.)</u>		<u>15 ft. min. (2)</u>		<u>5 ft.</u>	
<u>Adjacent Abutting to Residential Zone (3 Story Height / 35 ft.)</u>		<u>15-20 ft. min. (2)</u>		<u>10 ft.</u>	
<u>Abutting Residential Zone (4 Story Height / 48 ft.)</u>		<u>25 ft. min. (2)</u>		<u>15 ft.</u>	
<u>Maximum Total Lot Coverage (3)</u>		<u>Mixed use (4)</u>	<u>Commercial Only</u>	<u>Mixed use (4)</u> <u>Total Lot Coverage</u>	<u>Commercial Only</u> <u>Total Lot Coverage (1)</u>
<u>Site Coverage including impervious surfaces</u>		<u>85%</u>	<u>75-70%</u>	85%	70%
<u>Building Height (5)(7)</u>		<u>up to 3 stories / 35 ft. max (36)</u>		<u>up to 3 stories / 35 ft. max (26)</u>	
<u>Building Height - Trent Frontage (5)(7)</u>		<u>45-up to 4 stories / 48 ft. max (4)(5)</u>			
<u>Adjacent to Residential—no intervening street or alley</u>		<u>Residential zone standards apply</u>			

17.30.010 Industrial I-1 and I-2 development standards.

~~Industrial-d~~ Development in the I-1 and I-2 zones shall meet the standards shown in Table 17-5.

Table 17-5

		I-1	I-2
Building Setbacks	Front	25 ft. and 15 ft. for all parking areas, signage, and storage areas.	No minimum setbacks required 25 ft. and 15 ft. for all parking areas, signage, and storage area (Empire Ave. is front)
	Rear	25 ft.	25 ft.
	Side	5 ft. (1)	5 ft.
	<u>Abutting Residential Zone (up to 2 Story Height / 30 ft.)</u>	<u>15 ft. min. (1)</u>	<u>15 ft. min. (1)</u>
	<u>Abutting Residential Zone (3 Story Height / 35 ft.)</u>	<u>20 ft. min. (1)</u>	<u>20 ft. min. (1)</u>
	<u>Abutting Residential Zone (4 Story Height / 48 ft.)</u>	<u>25 ft. min. (1)</u>	<u>25 ft. min. (1)</u>
	Flanking Street	15 ft.	<u>25 ft. + 10 ft. for each story above 2 stories to reduce noise and visual impacts to adjacent Millwood Historic District (Argonne Rd. is flanking)</u>
Maximum Building Coverage & Open Space		75% 25% of the site shall be left as open space free from structures and other impervious surfaces.	N/A 75% <u>25% of the site shall be left as open space free from structures and other impervious surfaces with the majority located at Argonne & Empire, as well as SMP and CAO requirements for the Spokane River shoreline area (refer to Title 18)</u>
Building Height (2) (3)		<u>45-48</u> ft., shall not exceed four stories in height (1)	<u>45-48</u> ft., shall not exceed four stories in height (1) <u>(4)</u>
<u>(1) N/A when a street or alley separates the parcels.</u> <u>(2) Building height shall be measured from average grade level to the highest point of the structure.</u> <u>(3) A building can exceed maximum roof height limit by 48 inches to accommodate roof-mounted solar energy panel(s).</u> <u>(1) When a lot in the I-1 and I-2 zone is located within one hundred (100) feet to a residential zone, with no intervening street or alley, the permissible number of stories and the maximum height of buildings shall not exceed that allowed in the adjacent residential zone.</u> <u>(24) Building height 85' with CUP</u>			

- In the C-2 Zone, change Millwood incorporation date from 1928 to 1927* with a footnote added from Commissioner Beese.

In ~~1928~~1927*, Millwood became the first incorporated Town in the Spokane Valley. The mill, the historic homes west of the mill and the downtown area that was to become the C-2 zone, were already in existence. The city has developed a unique character and ambience based on the community's residential and commercial structures, combined with the natural setting along the Spokane River. Millwood has an overall character and environment which is cherished by its residents and instantly recognized by visitors.

These guidelines contain a clear statement of community expectations to assist property and business owners. These guidelines are intended to establish a balance that preserves and enhances the city's livability and sense of place while supporting the economic vitality that provides the resources for community services and makes Millwood a complete community.

For uses permitted in the C-2 zone, see Table 17-1.

(On October 15, 1927, residents voted to incorporate Millwood as a 4th Class Washington town. Millwood's first City Council meeting was held January 21, 1928.)*

(Ord. No. 527, § 1, 6-14-2022)

17.24.010 Development and design standards.

- Under Chapter 17.28 REGULATIONS APPLICABLE TO ALL COMMERCIAL DISTRICTS, 17.28.010 Site improvements, **added clarification language and corrected word order in subsection (E)(1).**

E. Off-street parking design shall be in accordance with the following requirements, with the exception of ADA parking which shall meet building code requirements.

1. Parking shall **be designed so** that vehicles will not back out into public rights-of-way, with exceptions permitted in the C-2 zone, **when no other option exists.**

- In the P-1 Zone under 17.36.030, **changed shall to should for employee parking location under subsection (G)**

G. All employees ~~shall~~**should** park on the parcel with the commercial or public use.

- Title 17 Appendix A Definitions - **added additional development regulations Title references, definition for livestock to match livestock unit in UR-1, and definition for bicycle stall.**

APPENDIX A DEFINITIONS

For the purpose of this title, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular. Words not defined in this section shall be construed as defined in Title 1, **Title 14, or Title 15, Title 16, or Title 18** of this Code, if defined therein, per WA State Law, per Appendix A of the City Comprehensive Plan, or per Merriam Webster Dictionary.

In the event of a conflict between the ~~two~~-MMC titles, **chapters, or sections,** Title 17 of this Code **or the most recent definition contained in Title 14, Title 15, Title 16, Title 18, or WA State Law** shall prevail.

"Livestock" means horses, mules, donkeys, burros, bovine, goats, llamas, alpacas, and sheep. Definition does not include pigs or swine. (Also refer in Livestock Unit in UR-1 Zone).

"Bicycle stall" means parking for a bicycle in a designated, often secured area or device used to store bicycle(s), either a shared bike rack or racks within a corral that allows the bicycle frames to be secured with a lock, hung on bike hangers, put in a storage locker, stored within garages or bike rooms, etc., calculated at a ratio of required bicycle stalls to vehicle stalls or dwelling / sleeping units.

- Chapter_17.06__TABLE_OF_PERMITTED_USES (2-19-26 & 3-23-26 w/ modifications), Chapter_17.08-Chapter_17.18_RESIDENTIAL (2-19-26 & 3-23-26 w/ modifications), and Chapter_17.20-Chapter 17.36_COMMERCIAL-INDUSTRIAL-PUBLIC (2-19-26 & 3-23-26 w/ modifications) review is complete.

Periodic Update requirements and modifications for consistency / clarity have been incorporated into drafts prior to presentation to the Planning Commission:

- Chapter_15.04-15.16-15.20_CONSTRUCTION (4-15-26)
- **4/29/26 Planning Commission Meeting**
 -

Chapter 17.38 GENERAL PROVISIONS

17.38.005 General provisions.

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification of property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front ~~property lot~~ line than the distance indicated by the depth of the required front yard / front setback.

Exceptions:

1. eEaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building.
2. Steps, terraces, platforms, ramps, and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than ~~twentyseventy~~-five (2575) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard / side setback.

Exceptions:

1. eEaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required rear yard / rear setback.

Exceptions:

1. eEaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building.
2. Steps, platforms, ramps, and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

~~E. Fences, Rear and Rear-Side Yard.~~

- ~~1. Rear and rear-side fences shall not exceed six feet in height.~~
- ~~2. Side-yard fences between residences or main buildings may not exceed six feet in height.~~
- ~~3. Front and front-side fences may not exceed forty-two (42) inches in height.~~
- ~~4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.~~

~~5. Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.~~

~~6. Permits are required for the construction or rebuilding of any fence.~~

E. Fences

1. Permits are required for the construction or rebuilding of any fence.

2. Front and front-side (the distance of the required front yard setback) fences may not exceed forty two (42) inches in height.

3. Rear and rear-side fences, and any side yard fence between residences or main buildings, shall not exceed six feet in height.

4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence.

5. Barbwire and similar materials are prohibited for use as fencing material.

6. Electrified fences are prohibited.

7. Fences, materials used in lieu of a fence, and landscaping shall meet clear view triangle requirements, as determined by the Planning Director and/or City Engineer.

F. Sidewalks, trails, shared roadways, and complete streets.

The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:

1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.

2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the ~~Public Works Director or designee~~ public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.

3. All development as defined in ~~Section 17.16.065~~ Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. Sidewalks shall also be required on access streets when sidewalks are already constructed along the street or when needed for pedestrian safety, as determined by the City. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of ~~an existing single-family residences~~ or accessory buildings or construction of new accessory buildings provided the principal and primary use ~~is and~~ remains ~~single-family a~~ residence.

4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.

Refer to the adopted Millwood Comprehensive Plan for specific sidewalk, trail, shared roadway, and/or complete street improvement location priorities.

G. Clear view triangle.

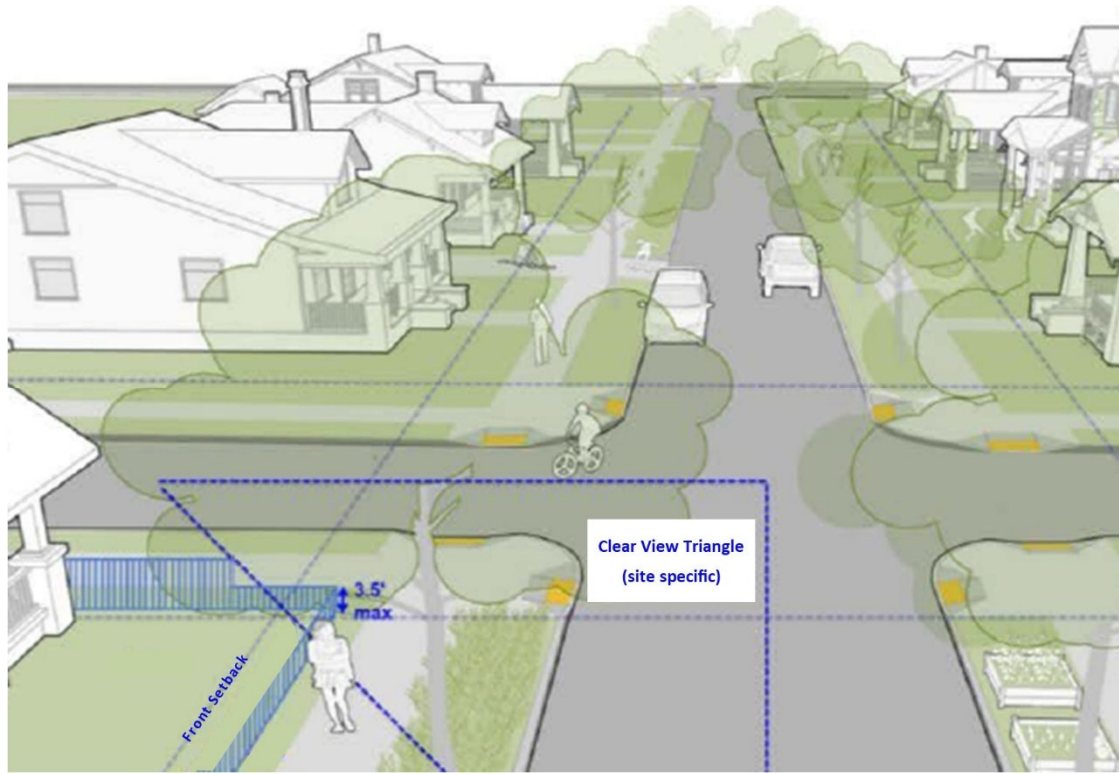
Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district zone within the area designated as the "clear view triangle" as set forth below:

- 1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and ~~seven~~ eight feet above the street must be unobstructed. The clear view triangle is calculated as follows:
 - a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street / alley / driveway;
 - b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

~~(1)~~ **Two-Way Stop Controlled**

Posted Speed (in MPH)	Distance (in Feet)
25	40

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the Public Works Director or designee; or
- d. The Public Works Director or designee ~~public works supervisor~~ will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.



2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:
 - a. Public utility poles;
 - b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least ~~seven-eight~~ feet above the street surface;
 - c. Properties where the natural ground contour penetrates the clear view triangle; and
 - d. Traffic control devices installed by the city.
- H. Administrative Exceptions. An administrative exception may be approved for the following ~~when~~:
 - a. ~~Where the required setback is greater than five feet, a deviation of five feet or less~~
 - b. ~~Minimum lot area where the deviation is for ten percent or less of the required lot area.~~
 - c. ~~Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.~~
 1. Any dimensional requirement which does not exceed one foot.
 2. A setback deviation of up to four feet, when the required setback is five feet or greater and the deviation will not result in a building or fire code violation.
 3. Minimum lot area requirements where the deviation is for 10% or less of the required lot area.
 4. Minimum lot width requirements where the deviation is for 10% or less of the required lot width.
 5. Maximum building coverage or lot coverage requirements where the deviation is for 25% or less of the maximum building / lot coverage.

~~6d.~~ Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.

7. Exceptions required to meet current RCW/WAC requirements.

Decision Criteria. The city planner shall approve, approve with conditions, or deny administrative exceptions based on the following criteria, as applicable:

- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning districtzone it occupies;
- b. The exception may not increase density beyond what is currently allowed within the zoning districtzone;
- c. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a hearing examiner decision, or conditions associated with applicable plat approvals;
- d. The exemption is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the exemption will apply.
- e. The exception shall not conflict with other local, state, or federal laws; and
- f. The exception does not adversely impact the public health, safety, and welfare within the city.

I. Alternative methods of compliance

The Planning Director or designee, in consultation with the Public Works Director, Building Official and/or City Engineer, as applicable, may accept alternative methods of complying with the development standards of this Code, provided it could be demonstrated that the alternative method is at least equivalent to such standards in terms of implementing the general purpose of the Code and/or applying Blue Zone principles (as defined in Appendix A). The Planning Director or designee shall not accept alternative methods of compliance that are inconsistent with the City Comprehensive Plan or with conditions of approval imposed through a land use action. Decisions on Alternative Methods of Compliance need to be documented in the project file and can be appealable in the same manner as administrative appeals under MMC 14.12.140. The Planning Director or designee shall periodically forward decisions on Alternative Methods of Compliance to the Planning Commission for its information.

~~I. Sidewalks. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:~~

- ~~1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.~~
- ~~2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.~~

3. All development as defined in Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single family residence.
4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.
5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.
- J. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:
1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:
- a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;
- b. Two-Way Stop-Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:
- Two-way stop-controlled
Table 17-7**
- | Posted Speed
(in MPH) | Distance
(in feet) |
|--------------------------|-----------------------|
| 25 | 40 |
- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the city traffic engineer; or
- d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.
2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:
- a. Public utility poles;
- b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;

- ~~c. Properties where the natural ground contour penetrates the clear view triangle; and~~
- ~~d. Traffic control devices installed by the city.~~

J. Level of service (LOS)

Development must be reviewed for compliance with adopted city level of service standards (water, sewer, transportation including multimodal, and parks and recreation). Refer to Millwood Comprehensive Plan Section 8.6 Level of Service Standards, Section 11.4 City of Millwood Capital Facility Level of Service Standards, and Section 11.6 Capital Facilities, Utilities, and Services Summary, as amended.

K. Airport Compatibility.

- 1. The airport compatibility zone (ACZ) is designated on the official zoning map.
- 2. Prior to the issuance of a commercial building permit or any land use permit within the airport compatibility zone, a copy of the proposal shall be routed to the appropriate official(s) at Felts Field Airport for review and comment.
- 3. The calculated density in the ACZ shall be no greater than one hundred eighty (180) persons per acre after subtracting public rights-of-way. However, higher density may be allowed by the city council if it is deemed to be compatible with Felts Field Airport and Washington State Department of Transportation - Aviation guidelines, as a conditional use following the procedures contained in Sections 17.44.070 through 17.44.130.

(Ord. No. 527, § 1, 6-14-2022)

17.38.010 Ownership divided by a zoning district boundary line.

If a zoning boundary line cuts a property having a single ownership as of record at the time of passage of the ordinance codified in this title, all such property may take the least restrictive classification, provided that at least forty (40) percent ~~by of the~~ area of the entire property is located in the district zone having the least restrictive classification. This provision applies to single parcels only.

(Ord. No. 527, § 1, 6-14-2022)

17.38.020 Nonconforming uses.

Determination of legal nonconforming status of a lot, use or structure is an administrative function of the planning department. Property owners asserting legal nonconforming status of a lot, use or structure shall submit such information as the planning department deems necessary to substantiate or document the claim of legal nonconforming status.

- A. Legal nonconforming lots are lots of record established prior to the adoption of this Code or an amendment thereto and shall be considered a buildable lot even though such lots fail to meet the requirements for frontage / front lot width or lot area that are generally applicable in the zone, provided that yard setbacks and requirements other than frontage / front lot width or lot area shall conform to the regulations for the zone in which such lot is located.
- B. When a political subdivision of the state of Washington acquires a portion of a lot, tract, or parcel of land and as a result thereof, reduces such lot, tract, or parcel of land in area and/or frontage by not more than ten percent of the minimum requirements of the underlying use within the zone classification, such lot, tract, or parcel of land shall be deemed to be a legal nonconforming lot with respect to area and/or frontage. A legal nonconforming lot status resulting from an acquisition under this subsection shall run with the land and the status of the legal nonconforming lot shall be perpetual

- and continuous absent a subsequent amendment of the zoning code, regardless of whether the legal nonconforming lot is actually being used or not.
- C. A use which was lawfully established and in existence and which became or becomes nonconforming by amendment to the zoning code is a legal nonconforming use. The term legal nonconforming use refers only to a single existing use and does not include all uses to which the property could have been put under a prior zoning ordinance or classification.
1. A legal nonconforming use which remains unoccupied or unused for a continuous period of one year is considered abandoned and shall not thereafter be occupied or used except by a use which conforms to the regulations of the district-zone in which the use is located.
 2. A legal nonconforming use which remains unoccupied or unused for a continuous period of less than one year may be reoccupied only by the same nonconforming use or by a conforming use.
 3. A legal nonconforming use shall not be expanded or extended. The extension of a legal nonconforming use to any other portion of the building or structure which was originally arranged or designed for such nonconforming use shall not be deemed the extension of a legal nonconforming use. A structure containing a legal nonconforming use may be maintained in conformance with the standards of the adopted building codes.
- D. A legal nonconforming structure is one that was established prior to the adoption of this Code or an amendment thereto.
1. Restoration of a legal nonconforming structure which is damaged by fire, flood or act of nature shall be initiated, as evidenced by the issuance of a valid building permit, within one year of the date of such damage or destruction, and the restoration shall be completed within one and one-half years from the permit issue date.
 2. Repair and maintenance of legal nonconforming structures is allowed.
 3. Reconstruction of a legal nonconforming structure shall be permitted in compliance with the building and fire codes.
 34. A nonconforming structure which contains a conforming use shall be allowed to expand, provided that the structure ~~is not out of compliance with the code by greater than a total of ten percent and~~ is not a danger to health or life safety, and further provided that the alteration or extension does not result in further violation of this Code.
 4. ~~When a lot contains a legal nonconforming structure, other structures may be placed on the lot provided none of the existing legal nonconforming structures are out of compliance with any one section of the current code by greater than ten percent.~~
 5. Per RCW 35A.21.440, the city shall not deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the Planning Director or designee makes written findings that the nonconformity is causing a significant detriment to the surrounding area; however, the city is not required to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards. Refer to Appendix A for the definition of an existing building.
- E. If a lot is out of compliance with site development standards (stormwater control, landscaping, paving, etc.), any modifications to the site would need to reduce the non-conformity, as reviewed by the Planning Director.

17.38.030 Green Infrastructure & Low-Impact Development (LID).

Properties located in the Millwood Central Business District (CBD), as identified in the Millwood Comprehensive Plan, Appendix A, may utilize green infrastructure and LID practices, as approved by the Millwood City Engineer and in compliance with the Spokane Regional Stormwater Manual, as amended, to capture, filter, and infiltrate stormwater. Options may include permeable pavement, green roofs, rain gardens and bioretention areas, bioswales, rainwater harvesting, and downspout routing, in addition to the required urban tree canopy preservation, maintenance, and replacement requirements included in Millwood's Urban Forestry Management Plan.

(Ord. No. 527, § 1, 6-14-2022)

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For the purpose of this title, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular. Words not defined in this section shall be construed as defined in Title 1 or Title 15 of this Code, if defined therein, per WA State Law, per Appendix A of the City Comprehensive Plan, or per Merriam Webster Dictionary.

In the event of a conflict between the ~~two-MMC~~ titles. Title 17 of this Code shall prevail.

"Accessory Dwelling Unit (ADU)" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome or other housing unit. (per RCW 36.70A.696(6)).

"Accessory use or building" means a subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building, such as a private garage.

"Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation. (per RCW 36.70A.030).

"Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way. (per RCW 36.70A.030).

"Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards. (per RCW 36.70A.030).

"Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan. (per RCW 36.70A.030).

"Adult arcade" means a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Adult retail store" means a commercial establishment such as a bookstore, video store, clothing store, or novelty shop which as one of its principal business purposes offers for sale or rent for any form of consideration, any one or more of the following:

- A1.** Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activity or any specified anatomical areas; or

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- B2.** Instruments, devices, clothing, or paraphernalia designed for use in connection with any specified sexual activities.

"Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features adult entertainment.

"Adult entertainment" means and includes any of the following:

- A1.** Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas; or
- B2.** Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

"Adult entertainment facilities" means a commercial establishment defined as an adult arcade, adult cabaret, adult motel, adult motion picture theater, adult retail store, or other adult entertainment facility.

"Adult family home (AFH)" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

- A1.** Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, videos cassettes, slides or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or
- B2.** Offers a sleeping room for rent for a rental fee period of time that is less than ten hours; or
- C3.** Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

"Adult motion picture theater" means a commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual representations are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas.

"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed 30 percent of the monthly income of a household whose income is:

- A.** For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

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- B. For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Affordable housing development" means a proposed or existing structure in which one hundred percent of all single-family or multifamily residential dwelling units within the development are set aside for or are occupied by low-income households at a sales price or rent amount that may not exceed thirty percent of the income limit for the low-income housing unit (RCW 36.70A.545).

"Agriculture (Urban)" means utilizing open space for garden cultivation, orchards, beekeeping, aquaculture (e.g., fish farming), aquaponics (e.g., integrating fish farming and agriculture), and non-food products such as producing seeds, cultivating seedlings, and growing flowers, consistent with Blue Zone principles. Marijuana and similar production are excluded from agriculture (urban).

"Alley" means a vehicular right-of-way not over twenty (20) feet in width.

"All lots zoned predominantly for residential use" means all zones in which residential dwellings are the predominant use. This excludes lands zoned primarily for commercial, industrial, and/or public uses, even if those zones allow for the development of detached single-family residences. This also excludes lands zoned primarily for mixed uses, even if those zones allow for the development of detached single-family residences, if the zones permit by-right multifamily use and a variety of commercial uses, including but not limited to retail, services, eating and drinking establishments, entertainment, recreation, and office uses.

"Antenna" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radiofrequency signals.

- A. Omni-directional antenna is an antenna that sends or receives signals equally in all directions
- B. Directional antenna (also known as a "panel" antenna) transmits and receives radiofrequency signals in a specific directional pattern of less than three hundred sixty degrees.
- C. Parabolic antenna (also known as a dish antenna) is a bowl-shaped device for the reception and/or transmission of radiofrequency communications signals in a specific directional pattern.

~~**"Apartment house"** means any building or portion thereof that contains three or more dwelling units and may also include residential condominiums.~~

"Auto camp" means any plot of ground where accommodation is provided for two or more families of motorists or travelers to establish temporary or semipermanent residences in tents, automobile trailers, house cars, recreational vehicles or other portable or temporary habitations.

"Auto court" means any multiple-family dwelling or groups of dwellings which are designed or intended for the temporary or semipermanent residence of motorists or travelers.

"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure.

"Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully

automated process, which meets or exceeds any standards, codes, and regulations set forth by RCW Ch. 19.28, as amended, and consistent with rules adopted under RCW § 19.27.540, as amended.

"Billboard" means a permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

"Blue Zone principles" means general guiding concepts, principles and patterns for designing and building model healthy communities to influence both individual and community health (<https://www.bluezones.com>). The twelve (12) Blue Zone principles are:

- A. People First Design - People, human-scale and quality-of-life trump speed and efficiency of autos. Designs and features of well-planned districts accommodate cars, but give greatest support and incentive to people on foot. Pedestrians receive highest support, followed by transit, bikes, freight, and then cars.
- B. Active Transportation is the Natural Choice - Walking and active movement are not only the natural choice, but the unavoidable choice. People walk and are active a minimum of one-hour per day, by design.
- C. High Bump-into-it-iveness - Mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement. A diversity of people live at this location (diverse in lifestyle, economic and social levels). Bumping into others happens naturally, through design of streets, open buildings and beautiful public spaces. Each building, block, park, other element or system creates natural engagement.
- D. Social Engagement is Easy - Layout and design of buildings and open spaces maximizes easy and natural mixing of people. No individual living in the community needs to walk more than 1,000 feet to engage others in a public setting.
- E. Green Design Enhances Everyday Life - The built environment is in harmony with the natural environment by featuring biophillic designs. To the maximum extent possible, all people are surrounded by green environments, where they live, shop, work and play; and people do not have to walk more than 1,000 feet to find a public gathering place. Trees and other natural elements are dominant features of all landscapes, helping address multiple needs of local aesthetics, environmental health, air quality and climatic (summer/winter) variations.
- F. Auto-Dependency is Reduced - Auto-Dependency is low to non-existent for many. Incentives for driving are no longer dictating the architecture and placement of buildings. Parking is un-bundled, metered and managed. Ideally, parking is placed at the edges, and most people enjoy walking to their vehicles as part of their more active lifestyles.
- G. Transit is Easy, Convenient and Comfortable - A variety of transit options and desirable walking routes to transit are featured. Options might include trolleys, trams, buses and water taxis. Intermodal stations are convenient, welcoming, comfortable and well connected. Transit is not just competitive to other modes, it makes possible, efficient, comfortable and enjoyable movement.
- H. Pavement is Minimized - Use of non-porous materials in streets, parking lots and other features is minimized. Potential water and pollution runoff, solar heat traps and auto-centric designs are minimized. Sustainable cities attracting the greatest number of new jobs, such as Seattle, now have an active "pavement to parks" program.

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- I. Paths and Walkways - Paths (and low-volume streets) lead to activity centers, transit stops and other places of reward. Alignment of streets celebrates landmark places (natural and man-made). Individuals find it comfortable, easy, rewarding and memorable to walk, bike and travel to featured landmarks.
- J. Open Space - To the maximum extent feasible use nature to define districts. "Cities should not contain parks; parks should contain cities." – Frederick Law Olmsted
- K. Recreational Experiences can Happen Naturally - Places for play and social exchange are convenient, but natural play, rich in discovery, is also featured in streetscapes, parks, along trails or in plazas. Organized sports are accessible by trails and placed on perimeters, so these organized play fields do not overly-consume precious land and resources. Parking is on-street, not in the park.
- L. Community Streets - Use transportation to build the community, not divide it. Build streets to add value and livability to adjacent properties. The first priority of commercial streets is to maximize retail and social exchange.

"Bus rapid transit" means a fixed route bus system that features assets indicating permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority (RCW 36.70A.200).

"Bus station area" means all lots that are:

- A. Fully within an urban growth area; and
- B. Fully or partially within one-quarter mile walking distance of a stop on a fixed route bus system that is designated as a bus rapid transit stop in the transit development plan as required in RCW 35.58.2795, for which an environmental determination has been issued as required under chapter 43.21C RCW, and that features fixed transit assets that indicate permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority. (per RCW 36.70A.030).

"Camouflage/conceal" means to disguise by using vegetation or other surface textures and colors; to place out of the public view.

"Changeable sign" means a sign with the capability of content change by means of manual or electrical activation, including signs which are:

- A. "Electrically activated." Changeable sign whose message copy or content can be changed electrically by means of switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.
- B. "Manually activated." Changeable sign whose message copy or content can be changed manually.

"Charging level" means the electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:

- A. Level 1 is considered slow charging requiring a fifteen or twenty amp breaker on a 120-volt AC circuit and standard outlet.
- B. Level 2 is considered medium charging requiring a forty amp to one hundred amp breaker on a 208- or 240-volt AC circuit.

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- C. Level 3 is considered rapid charging requiring a sixty amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

"Co-living housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites. (per RCW 36.70A.535). Co-living housing is allowed on lots that allow at least six multifamily residential units, including on a lot zoned for mixed-use development.

"Co-location" exists when more than one wireless communications provider mounts equipment on a single support structure.

"Comprehensive land use plan / comprehensive plan or plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to RCW Chapter 36.70a.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in unit owners, and unless a declaration and survey map and plans have been recorded pursuant to chapter 64.34 RCW.

"Contractor yard" means a lot or portion of a lot or parcel used for outdoor storage and maintenance of construction equipment and other materials and facilities customarily required in the building trade by a construction contractor, including plumbing, mechanical, and electrical or similar contractors.

"Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. (per RCW 36.70A.030).

"Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court. (per RCW 36.70A.030).

"Daycare / child day care center / child care center" mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours (per RCW 43.216.010).

"Daycare (in home) / family day care provider / family home provider" means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692 and RCW 43.216.010(2)(m), (per RCW 43.216.010).

"Development" means an improvement of a site or structure excluding normal maintenance and repair when the original floor area is increased more than thirty percent; when more than fifty percent of the original building area is replaced; or when over fifty percent of the facade is changed.

"Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city. (per RCW 36.70A.030).

"Development standards" means controls placed by the city on building or site design and development including parking requirements, floor area allowances, density allowances, minimum lot coverage, and other dimensional standards.

"Duplex" means a residential building with two attached dwelling units.

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking and sanitation. (per RCW 36.70A.696(1)).

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes:

- A. Battery electric vehicle (BEV). Any vehicle that operates exclusively on electrical energy from an off-board source, that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating;
- B. Plug-in hybrid electric vehicle (PHEV). An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.
- C. Neighborhood electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500; and
- D. Medium-speed electric vehicle. A self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.
- E. Provisions may also be made for facilities to support "Electric scooters and motorcycles"—Any two- or three-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero emissions or pollution when stationary or operating.

"Electric vehicle charging station" means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

"Emergency Housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement. (RCW 36.70A.030).

"Emergency Shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. (RCW 36.70A.030).

"Enclosure" means a room, cabinet or building used to house equipment for utility or service providers.

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"Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits. (per RCW 36.70A.030).

"Essential public facility" means the essential public facilities (EPFs) of a state and regional nature, and has the meaning as defined in the Millwood comprehensive plan and these facilities shall be conditional uses in the zones in which they are allowed. The planning commission shall designate the most appropriate zones for each facility determined to be an EPF that is not listed in this title. Before issuance of a conditional use permit for an EPF, the applicant shall have complied with all applicable requirements for the siting of an essential public facility in accordance with state, regional and local mandates, including the Spokane County regional siting process for essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. (also see Local essential public facilities).

"Existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units (per RCW 35A.21.440 - New housing in existing buildings).

"Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for the other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depict sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

"Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 30 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Façade modulation" means a change in building plane, either a recess or a projection, that changes the shape of the exterior massing of the building.

"Family" means any group of people living together as a single housekeeping unit, regardless of blood or marriage (aligns with fair housing standards and state law including RCW 36.70A.030). any number of individuals related by blood or marriage or not more than five unrelated individuals living together in a single dwelling unit.

"Farmers market" means a market in which farmers and growers sell produce directly to consumers on a seasonal basis. Secondly, the farmers market may also include prepared food, crafts and other goods handmade by the vendor.

"Fiveplex" means a residential building with five attached dwelling units.

"Flanking street" means a yard extending from the front yard to the rear yard except in the case of a corner lot when the side yard on the flanking street shall extend to the rear property line.

"Floor area ratio" means a measure of development intensity equal to building square footage divided by the developable property square footage. Developable property excludes public facilities and portions of lots with critical areas and critical area buffers as designated in RCW 36.70A.060, except for critical aquifer recharge areas

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where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. (per RCW 36.70A.030).

"Fourplex" means a residential building with four attached dwelling units.

"Front lot line" means the line separating any lot or parcel of land from a street right of way. On a through or interior lot, the line abutting the street or driveway providing primary access to the lot is the front lot line. On corner lots, the property line that is not considered to be the front lot line shall be the flanking lot line.

"Front property line" means the front line as shown upon the official plats of the property.

"Front yard" means an open unoccupied space on the same lot with a building, between the front line of the building and the front property line.

"Garage" means a building or portion of a building in which a motor vehicle containing flammable or combustible liquids or gas in its tank is stored, repaired or kept.

"Government facility" means any property that is owned or significantly controlled by the government.

"Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater. (per RCW 36.70A.030).

"Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- A. Is accessible to the public;
- B. Promotes physical and mental health of residents;
- C. Provides relief from the urban heat island effects;
- D. Promotes recreational and aesthetic values;
- E. Protects streams or water supply; or
- F. Preserves visual quality along highway, road, or street corridors. (per RCW 36.70A.030).

"Group homes, group-care homes":

"Group-care homes, Class I" means state-licensed foster homes for children, (not including nursing homes), homes for handicapped and the mentally ill, and homes for those with developmental disabilities, including adult family homes (AFH) regulated under RCW 70.128. Group-care homes, Class I are sub-classified as follows:

- A1. Group-care homes, Class I-A. A maximum of six residents or up to eight for AFH and two resident staff;
- B2. Group-care homes, Class I-B. A maximum of twelve residents and resident staff;
- C3. Group-care homes, Class I-C. A maximum of twenty residents and four resident staff.

"Group-care homes, Class II" means state-licensed group-care homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional institutionalization, and residential rehabilitation centers for current abusers of alcohol and drugs. Group-care homes, Class II, are sub-classified as follows:

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- A1. Group-care homes, Class II-A. A maximum of six residents and two resident staff;
- B2. Group-care homes, Class II-B. A maximum of ten residents and two resident staff;
- C3. Group-care homes, Class II-C. A maximum of twenty residents and four resident staff.

"Harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services (RCW 36.70A.200).

"Height / Building height," for the purpose of this chapter, is measured from average grade level to the highest point of a structure except that television antennas, chimneys and similar appurtenances shall not be used in calculating height.

"Illuminated sign" means a sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated), including neon signs; or reflecting off its surface(s) (externally illuminated).

"Impervious" means ground surfaces and coverings composed of water-impenetrable materials such as asphalt concrete, brick, stone or rooftops.

"Improved street" means a public street, highway or avenue in the city which has been dedicated and open to public use and which has been improved with asphalt or concrete.

"Laundromat" means a self-service facility providing machines for washing and drying of clothes and personal items.

"Local essential public facilities (LEPFs)" mean those facilities providing a needed public service affecting or potentially affecting only residents and/or property within the jurisdiction in which they are located such as elementary schools, fire stations, and municipal parks. LEPFs shall be permitted through the conditional use process, if it is determined that they will have a negative impact on the health, safety, and public welfare inside of or outside of the municipal boundaries. The impact determination shall be based upon the review of an environmental checklist as required by the State Environmental Policy Act.

"Lot" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the affordable housing development is located (per RCW 36.70A.545).

"Low-intensity commercial" means the provision of those goods and services needed by residents. Those commercial and service establishments which because of their character contribute to, rather than detract from, the quality of residential use.

"Major transit stop" means (per RCW 36.70A.030):

- (a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, except for any stop that solely serves express bus service or serves express bus service and other bus services not otherwise meeting the definition of major transit stop;
- (b) Commuter rail stops;
- (c) Stops on rail or fixed guideway systems; or
- (d) Stops on bus rapid transit routes, including those stops that are under construction.

"Major transit stop" means (as referenced for ADUs and Co-living housing only per RCW 36.70A.535(11)(b)):

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

(Also refer to definition for "Walking distance").

"Manufactured home" means a single-family residence constructed after June 15, 1976 and in accordance with state and federal requirements for manufactured homes.

"Manufactured/mobile home" means either a manufactured home or a mobile home.

"Manufactured/mobile home park" means a parcel under single ownership developed in such a way as to meet the requirements under this Code allowing for the placement of two or more individual manufactured homes, mobile homes or recreational vehicles on a lease or rental basis.

"Marijuana" means marijuana as defined in RCW § 69.50.101, as may be amended.

"Marijuana processor" means marijuana processor as defined in RCW § 69.50.101, as may be amended. A marijuana processor shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana producer" means marijuana producer as defined in RCW § 69.50.101, as may be amended. A marijuana producer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Marijuana-infused products" means marijuana-infused [products] as defined in RCW § 69.50.101, as may be amended.

"Marijuana retailer" means marijuana retailer as defined in RCW § 69.50.101, as may be amended. A marijuana retailer shall be licensed in accordance with and at all times be in compliance with all applicable laws, including but not limited to RCW Ch. 69.50 and chapter 314-55 WAC.

"Mass timber construction" means a building with structural components primarily made of mass timber products as defined in RCW 19.27.570.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. (per RCW 36.70A.030).

"Millwood approved manufactured home" means a manufactured home as defined in this section which:

- A1. Is comprised of at least two fully enclosed parallel sections each of which is not less than fourteen feet wide by forty feet long;
- B2. Was originally constructed with and now has a composition of wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
- C3. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences.

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"Mixed-use development" means a group of densely configured structures planned and developed as a single entity and containing within and/or among them a variety of complementary, integrated, and/or supporting uses. The group as a whole must achieve physical and functional integration.

"Mixed-use structure" means a single structure containing at least two complementary, integrated, and/or mutually supporting uses. The structure must achieve physical and functional integration within itself.

"Mobile home" means a single-family residence transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

"Modular construction" means a multistory residential building constructed of standardized components produced off-site, which are transported and assembled at a final location.

~~**"Modular home"** means a structure constructed in a factory in accordance with the uniform building code and bearing the appropriate insignia indicating such compliance. This definition includes "prefabricated," "panelized" and "factory built" units.~~

~~**"Multifamily dwelling" or "apartment house"** means a building arranged to be occupied by more than two families and having separate baths and kitchens.~~

"Multi-Family or Multifamily Housing" means a building with six (6) or more attached dwelling units (also see Sixplex).

"Neighborhood commercial" means small-scale businesses and services (like coffee shops and local markets) that serve the daily needs of nearby residents, integrating into residential areas to promote walkability and reduce car trips for necessities, consistent with Blue Zone principles.

"New manufactured home" means any manufactured home required to be titled under RCW Title 46. which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

"Nursing Home" means any building where persons are housed or lodged and furnished with meals and nursing care and which premises are licensed by the state of Washington. (also referred to as convalescent home).

"Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies (per RCW 70A.205.015).

"Other adult entertainment facilities" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration, including places of business which employ, contract with, lease or let space to those massage operators who are not licensed by the state of Washington. Provided however, that the following public institutions shall not be considered adult entertainment facilities; library, school, university, or other public educational or scientific establishment. In addition, a commercial establishment that offers access to telecommunications networks as a principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

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"Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020. (per RCW 36.70A.030).

"Parcel" means land legally subdivided under the laws of the state of Washington and the city of Millwood.

"Passive house requirements" means the criteria for certification as a passive house by Phius or the international passive house institute (RCW 36.70A.812/815). These standards focus on creating an airtight, well-insulated building envelope with balanced ventilation to achieve up to 90% less heating/cooling energy usage than conventional construction.

"Permanent sign" means any sign which is not a temporary sign and which is not exempted as defined in this chapter.

"Permanent Supportive Housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW. (RCW 36.70A.030).

"Person" means any individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, and governmental entity.

"Political sign" means a temporary sign intended to advance a political statement cause or candidate for office. A legally permitted billboard shall not be considered to be a political sign.

"Portable sign" means any sign not permanently attached to the ground or to a building or building surface.

"Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. (per RCW 36.70A.030).

"Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. (per RCW 36.70A.030).

"Public Utility" means a regulated public or private enterprise with an exclusive franchise for providing public service paid for directly by the recipient of that service.

"Public Utility Transmission Facility" means any building, structure, or device which transfers directly to the public the service or supply provided by a public utility, including telephone, electric, gas, cable television, water and sewer, and all other facilities, equipment and structures necessary for conducting a local distribution service by a government or public entity.

"Public way" means any public or private street, alleys, pathways, or similar feature which the public has a right of use.

"Real estate sign" means a temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

"Rear property line" means the property line of a lot most nearly parallel to the front property line of the same lot.

"Rear yard" means an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

"Related wireless communications equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property (RCW 36.01.290 / RCW 36.70A.545). Also referred to as Church.

"Residential / Commercial Mixed Use" means a type of building or development that blends residential units with commercial spaces (retail, offices, restaurants, etc.) where at least 25% of the project is residential and at least 25% of the project is commercial. There are three (3) forms of residential/commercial mixed use:

"Vertical Mixed-use Developments" have different uses stacked vertically in a single building. The ground floor typically hosts retail or restaurants, with residential or office spaces above.

"Live-Work Buildings" are mixed-use structures that integrate residential living space with a dedicated, non residential workspace (such as an office, studio, or retail shop) within a single unit or building.

"Horizontal Mixed-use Developments" have different uses spread horizontally across different buildings and spaces within a single parcel or multiple parcels within a project.

"Risk potential land uses" mean those risk potential activities or facilities in existence at the time a site is listed for consideration. Risk potential activity or facility means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from a special commitment center. The following are risk potential land uses:

- ~~A1.~~ Public libraries;
- ~~B2.~~ Public parks;
- ~~C3.~~ Publicly dedicated trails;
- ~~D4.~~ Sports fields;
- ~~E5.~~ Playgrounds;
- ~~F6.~~ Recreational and community centers;
- ~~G7.~~ Public or private schools;
- ~~H8.~~ School bus stops;
- ~~I9.~~ Licensed day care and licensed preschool facilities;
- ~~J10.~~ Places of worship such as churches, mosques, synagogues and temples; and
- ~~K11.~~ Any other risk potential land use identified in siting criteria by the department of health and social services with respect to siting a SCTF.

"Secure community transition facilities (SCTFs)" mean those residential facilities as defined in RCW § 71.09.020. A SCTF shall be sited, maintained and operated in accordance with local regulations and in accordance with RCW Ch. 71.09.

"Senior independent housing" means any residential housing that is advertised, maintained, designed, or constructed for the express or implied purpose of providing housing for persons 55 years of age or older who are independent and do not require assistance with activities of daily living. Senior independent housing is typically designed to enable seniors to live on their own, but with the security and convenience of community living, that

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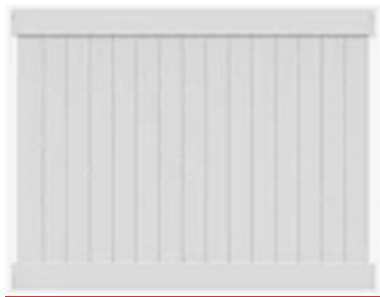
may include recreational, educational, and social activities. Does not include facilities that provide medical care or assistance with activities of daily living, such as assisted living facilities, nursing homes, long-term care facilities, or other similar living arrangements.

"Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

"Shared parking" means parking spaces where two or more uses on the same or separate sites are able to share the same parking spaces. Parking spaces must be located on the site of the use or in parking areas whose closest point is within four hundred feet of the site.

"Side yard" means an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the same lot.

"Sight-obscuring fence" means a fence, at least six (6) ft. tall, which provides complete visual separation and is used where complete screening is needed.



Sight-obscuring fence

vs.



Partially sight-obscuring fence

"Sign" means any structure, graphic, symbol, words, letters or object used to convey a message or attract the attention of the general public, wherever located and however constructed or affixed if visible from a public street or right-of-way.

"Single-family dwelling" means a structure arranged or designed to be occupied by not more than one family. Single-family dwelling does not include tents, trailers, recreational vehicles, campers or other temporary structures.

"Single-family zones" means those zones where single-family detached residences are the predominant land use. (per RCW 36.70A.030).

"Sixplex" means a residential building with six attached dwelling units.

"Sleeping unit" means a single unit within co-living housing that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units (per 2021 International Building Code, Section 202 Definitions). A sleeping unit is a standalone bedroom and does not have the full features of a dwelling unit. Sleeping units are not required to have closets, bathrooms or kitchens; however, private bathrooms and kitchenettes may be provided. There must be at least one shared kitchen facility for sleeping units to be considered co-living housing, per RCW 36.70A.535(11)(a).

"Social service facilities" means an essential public facilities category which includes inpatient substance abuse/mental health facilities, opioid treatment programs, and similar facilities.

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"Special or periodic event" means an event which occurs once (special, for example a music performance event) or on a regular schedule (periodic, for example a weekly farmers market) not more frequently than once each week.

"Specified anatomical areas" means and includes any of the following:

- A1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- B2. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola.

"Specified sexual activity" means and includes any of the following:

- A1. The caressing, fondling, or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- B2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- C3. Masturbation, actual or simulated; or
- D4. Excretory function as part of, or in connection with, any of the sexual activities specified in this definition.

"Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned. (per RCW 36.70A.030).

"Stealth facility/concealed antennas" means any communication facility which is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles.

"Story" has the meaning as defined in the adopted building code of the city. Refer to zoning for setbacks related to story / height.

"Temporary sign" means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature, including real estate signs, special event signs and portable signs.

"Tier 3 city" means a city with a population of less than 25,000, that is within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates (City of Millwood is a Tier 3 city).

"Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides. (per RCW 36.70A.030).

"Trailer park" means any plot of ground where accommodation is provided for two or more families to establish temporary or semipermanent residences in automobile trailers, house cars, recreational vehicles or other portable or temporary habitations, whether the wheels have been removed from such portable habitation or not.

"Transitional Housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. (RCW 84.36.043(3)(c)).

"Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider. (per RCW 36.70A.030).

"Trent Frontage" means that the minimum parcel width is equal to the parcel frontage on Trent Avenue and that Trent Avenue is the primary access to the parcel.

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“Triplex” means a residential building with three attached dwelling units.

~~“Two family dwelling”~~ or **~~“duplex”~~** means a building arranged to be occupied by two families and having separate baths and kitchens.

“Unit density” means the number of dwelling units allowed on a lot, regardless of lot size. Also referred to as unit per lot and unit per lot density. (Refer to Millwood Comprehensive Plan Bulk Density Standards).

“Upper-level setback” means a required distance between the lot line and the building façade applied only to portions of the building above a specified height.

“Urban governmental services / urban services” include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas. (per RCW 36.70A.030).

“Urban growth” refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth. (per RCW 36.70A.030).

“Urban growth areas” means those areas designated by a county pursuant to RCW 36.70A.110. (per RCW 36.70A.030).

“Usable marijuana” means usable marijuana as defined in RCW § 69.50.101, as may be amended.

“Very low-income household” means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. (per RCW 36.70A.030).

“Vulnerable populations” means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization. “Vulnerable populations” includes, but is not limited to:

A. Racial or ethnic minorities;

B. Low-income populations; and

C. Populations disproportionately impacted by environmental harms. (per RCW 36.70A.030).

“Walking distance” means utilizing a path finding method or walking route from a location (i.e. major transit stop) to a location (such as a residence) based on the local street network and other pedestrian routes such as off-street trails. All lots which touch the path / route are considered walking distance.

“Warehouse” means a structure in which more than fifty percent of the ground floor area is utilized for the storage of products, which is not the office or showroom area of the building.

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"Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels. (per RCW 36.70A.030).

"Window sign" means a sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

"Within line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

"Wireless communication facility" means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment. Two types of wireless communication facilities include:

- A. **"Type I facility"** means an attached wireless communication facility which consists of antennas equal to or less than four feet in height and with an area of not more than four hundred eighty square inches in the aggregate (e.g., one foot diameter parabola or two foot by one and one-half foot panel) as viewed from any one point. The permitted antenna height includes the wireless communication facility support structure.
- B. **"Type II facility"** means an attached wireless communication facility which consists of antennas equal to or less than fifteen feet in height or a parabolic antenna up to one meter (39.37 inches) in diameter and with an area not more than one hundred square feet in the aggregate as viewed from any one point.

"Wireless communication support structure" means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

"Wireless telecommunication tower" means a structure such as a self-supporting tower, a guyed tower, or a monopole, which supports antennas and may include accessory facilities necessary for equipment storage and unmanned operations.

"Yard" means any type of open space on the lot adjacent to a building and does not refer to regulated setbacks.~~that portion of a lot regulated by setbacks and designed as open space as regulated in this title.~~

(Ord. No. 536, § 1, 1-10-2023)

Chapter 17.42 WIRELESS TELECOMMUNICATION TOWERS, ANTENNAS AND FACILITIES

17.42.005 [In general.]

The regulations of this chapter are intended to provide for the growing need for telecommunications towers, antennas and facilities while minimizing any adverse environmental, aesthetic and visual impacts through careful design, siting and landscape screening; to promote and encourage shared use (co-location) of existing and new towers and sites; to avoid potential damage to adjacent properties; to protect the health, safety and welfare of the general public; and to preserve the character of residential ~~districts~~-zones through judicious permitting of towers.

(Ord. No. 527, § 1, 6-14-2022)

17.42.010 Permit required—Application.

- A. No person, company, corporation or business entity of any kind shall erect any telecommunication facility, tower or accessory building of any kind or alter any such use without first obtaining a permit, in writing, from the city. Any permit shall expire at the end of one year after issuance unless the permittee has completed the structure or commenced the use authorized by the permit. Each permit is valid for five years from the date of issue and shall thereafter be subject to renewal by the city. Each application for a permit shall contain the following information unless specifically exempted:
1. A site plan drawn to scale and identifying the boundaries of the lot where the tower, accessory structure or facility is to be located and all required yard setbacks; location, type and height of tower or facility; guy anchors; location, use and dimensions of existing and proposed structures and fences; vehicular parking and access; existing vegetation to be retained; topography of the site; adjacent land uses and current zoning;
 2. A copy of the subdivision plat, deed or lease agreement for the site;
 3. A plan drawn to scale showing proposed landscaping, including species type, size and spacing;
 4. Report from a registered professional engineer indicating tower height and design, structure, installation, and total number and types of antennas that could be accommodated;
 5. A notarized verification of compliance signed by both the owner and a registered professional engineer stating that the tower complies with all EIA/TIA 222-E Standards, as amended;
 6. A signed affidavit from the applicant verifying the lack of space on suitable existing towers or other structures to locate the proposed antenna accompanied by supporting documentation as specified in Section 17.42.090 of this chapter;
 7. A letter of intent stating whether the applicant intends to lease excess space on the tower to other potential users at reasonable rates and on reasonable terms. The letter shall commit the tower owner and successors in interest to:
 - a. Negotiate in good faith for shared use by third parties,
 - b. Allow shared use if an applicant agrees in writing to pay reasonable rental charges or other consideration and to pay costs of adapting the tower or existing users' equipment to accommodate a shared user if required by the terms of the agreement,

- c. Make no more than a reasonable charge for shared use based on generally accepted industry standards;
- 8. Documentation demonstrating that the proposed site is required to serve the company's planned network in the city;
- 9. A notarized statement signed by the applicant and owner that the tower and facility will conform with applicable FCC regulations concerning the environmental effects of radiofrequency emissions;
- 10. A current inventory of the company's existing towers and facilities in the city and within two miles of the city's incorporation boundaries, including information on the height, location, antenna capacity, existing antennas and structural design of each tower;
- 11. If federal regulations require an environmental assessment (EA), then a copy of the EA shall be submitted as part of the application;
- 12. If state regulations require a State Environmental Policy Act (SEPA) review, then a copy of the completed SEPA checklist shall be submitted as part of the application.
- B. The City Clerk shall act upon any application for authorization to place, construct or modify telecommunications tower, antenna, or other facilities pursuant to this Code after the application and all required supporting documentation is duly filed, taking into account the nature and scope of such application.
- C. A decision by the City Clerk to grant or deny an application to place, construct, or modify a telecommunications tower, antenna, or other facility shall be in writing and supported by substantial evidence contained in the record.
- D. The City Clerk shall issue permits only for those facilities, antennas and towers that meet the requirements of this chapter and are expressly allowed by this chapter. For any permit application that does not meet the requirements of this chapter the applicant must follow the special permit/variance process.
- E. As a condition of permit approval, the applicant shall submit to the city within eight weeks of project completion, an engineer's report stating the tower and facility meet all FCC conditions and requirements. Failure to submit this required report shall be grounds for revoking the permit.

(Ord. No. 527, § 1, 6-14-2022)

17.42.020 Reserved.

17.42.030 Reserved.

17.42.040 Fees.

Fees for construction and inspection of telecommunication facilities shall be those adopted by the city of Millwood or its designee.

(Ord. No. 527, § 1, 6-14-2022)

17.42.050 Development standards for Type I facilities on existing buildings or other existing support structures.

- A. Type I facilities are not permitted in residential ~~districts~~zones. Type I facilities are permitted on existing buildings or other existing support structures in areas zoned C-1 commercial ~~district~~zone, C-2 low-intensity commercial/mixed use zone, I-1 light industrial ~~district~~zone, and PR-1 public reserve ~~district~~zone subject to the conditions listed in this section.
- B. The Type I facility shall be located on existing buildings or other existing support structures. They shall not be allowed in buildings which are used solely for residential use. The Type I facility may locate on buildings and structures which contain uses mixed with residential uses provided that the interior wall or ceiling immediately adjacent to the facility is not used as residential space.
- C. Antennas equal to or less than four feet in height and with an area of not more than four hundred eighty (480) square inches in the aggregate (e.g., one foot diameter parabola or two foot by one and one-half foot panel as viewed from any one point) are exempt from the height limitation of the zone in which they are located. Existing structures which are nonconforming with respect to height, may be used for omni-directional antennas providing the antenna does not extend more than four feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
- D. The Type I facility shall not be artificially illuminated except as required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- E. Radio electronic equipment shall be enclosed, and the enclosure shall be located underground, or contained wholly within an existing building or structure, or be surrounded by a chain link fence or a wall and be concealed or camouflaged.
- F. Enclosures and security fences or walls for Type I facilities shall be constructed so as to be compatible with the surrounding structures in their design, materials, textures and colors.
- G. Type I facilities located in C-1 and C-2 commercial / mixed use ~~districts~~zones shall be stealth facilities or concealed antennas. Within the C-2 zone, Type I facilities shall only be located on roofs.
- H. Type I facilities shall comply with all applicable FCC and FAA regulations.
- I. The support structure for the Type I facility shall comply with all applicable building codes and have received appropriate permits.
- J. Type I facilities in the PR-1 public reserve ~~district~~zone shall not include offices, vehicle storage, indoor or outdoor storage, or broadcast studios.
- K. Type I facilities shall not be permitted within the boundaries of any historic district listed in the National Register of Historic Places.

(Ord. No. 527, § 1, 6-14-2022)

17.42.060 Development standards for Type II facilities on existing buildings and other support structures.

- A. Type II facilities are not permitted in residential ~~districts~~zones. Type II facilities are permitted in areas zoned C-1 commercial ~~district~~zone, ~~MI-1 manufacturing district~~light industrial zone, and PR-1 public reserve ~~district~~zone subject to the conditions listed in this section.

- B. Type II facilities shall not be allowed on buildings which are used solely for residential use. Type II facilities may be situated on buildings and structures which contain uses mixed with residential uses provided that the interior wall or ceiling immediately adjacent to the facility is not used as residential space.
- C. Type II facilities shall comply with the height limitation specified in the zone in which it is located except as follows: omni-directional antennas may exceed the height limitation by eighteen (18) feet, panel antennas may exceed the height limitation by six feet if affixed to the side of an existing building and if they architecturally blend in with the building. Existing structures which are nonconforming with respect to height, may be used for omni-directional antennas providing the antenna does not exceed eighteen (18) feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
- D. Type II facilities shall not be artificially illuminated except as required by the FAA or the FCC.
- E. Radio electronic equipment shall be enclosed, and the enclosure shall be located underground, or contained wholly within an existing building or structure, or be surrounded by a chain link fence or a wall and be concealed or camouflaged.
- F. Enclosures and security fences or walls of Type II facilities shall be constructed so as to be compatible with the surrounding structures in their design, materials, textures and colors.
- G. Type II facilities located in C-1 commercial ~~districts-zones~~ shall be stealth facilities or concealed antennas.
- H. Type II facilities shall comply with all applicable FCC and FAA regulations.
- I. The support structure for the Type II facilities shall comply with all applicable building codes and have received appropriate permits.
- J. Type II facilities in the P-I public reserve ~~district-zone~~ shall not include offices, vehicle storage, outdoor storage or broadcast studios.
- K. Type II facilities shall not be permitted within the boundaries of any historic district listed in the National Register of Historic Places.

(Ord. No. 527, § 1, 6-14-2022)

17.42.070 Development standards for telecommunication towers.

- A. Wireless telecommunication towers are permitted in areas zoned I-1 light industrial ~~district~~ only.
- B. Wireless telecommunication towers shall be designed and built to accommodate the location of two or more wireless communications facilities (co-location). An exception may be made to this requirement if the applicant can provide written documentation that, given the applicable zoning regulations, federal law, engineering requirements, and other relevant codes and requirements placed on the site or structures, installation of a single carrier tower would better serve the goals of the zoning ordinance than would a tower designed to accommodate multiple users.
- C. Any tower that exceeds one hundred twenty (120) feet in height shall require a special permit. Co-location on an existing permitted support structure shall be permitted without an additional special permit, provided there is not substantial change to the existing support structure and the facility otherwise complies with this chapter.
- D. Type II facilities are the largest permitted wireless communication facilities allowed on a tower. Antennas which extend above the wireless communications support structure shall not be calculated as part of the height of a wireless communications support structure. For example, the maximum height for a tower (without a special permit) shall be one hundred twenty (120) feet, making the maximum permitted height of the support structure and antennas one hundred thirty-eight (138) feet (one hundred twenty (120) feet plus

eighteen (18) feet). Measurement of tower height shall include base pad and other appurtenances and shall be measured from the natural grade of the site.

- E. Towers shall be separated from each other by a distance equal to or greater than one thousand two hundred (1,200) linear feet.
- F. Yard setback requirements for wireless telecommunications towers are as follows:
 - 1. The minimum yard setback for a tower shall be twenty-five (25) percent of the tower height unless a greater yard setback is required by the regulations of the ~~district~~zone in which the tower is located; however, no tower shall be located closer than two hundred (200) feet to any residential ~~district~~zone nor closer than a distance equal to the height of the tower to any structure containing a residential use.
 - 2. Towers located on a portion of a larger lot shall not be constructed in any yard which is required by a setback of the larger lot.
 - 3. Tower yard setbacks from the property lines of the lot on which the tower is located shall be measured from the perimeter of the tower base for monopoles and self-supporting towers and from the guy anchors for guyed towers.
 - 4. Guyed towers shall have their guy anchors located on the tower site, and guy wires shall not cross any adjoining property, public rights-of-way or public easements.
 - 5. Yard setbacks shall be sufficient to contain all ice-fall on site, unless adequate provisions have been incorporated to prevent the buildup of ice.
- G. Wireless telecommunication towers shall not be artificially illuminated except as required by the FAA or the FCC. All security lighting must be contained within the fenced area and must not illuminate higher than ten feet.
- H. Towers shall have a galvanized finish or be painted a nonreflective silver, pale blue or gray provided however, any regulation of the FAA or FCC that contradicts this requirement shall govern.
- I. The tower and accessory structures shall be fully secured. A chain link fence or a wall not less than eight feet in height from finished grade shall be provided around each tower and all accessory structures. Access to the tower shall be through a locked gate. Towers without accessory structures may utilize anti-climb devices in place of a fence.
- J. Towers shall meet or exceed the structural requirements as set out in EIA/TIA 222-E "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association and all applicable city building codes. Any improvements and/or additions (antennas, dishes, etc.) to existing towers shall require that a notarized verification of compliance with the EIA/TIA 222-E Standards, in effect at the time of the improvement or addition, be signed by the owner and a registered professional engineer and be submitted to the City Clerk.
- K. Towers may not be located within two hundred (200) feet of the Spokane River's ordinary high water mark.
- L. No signs shall be allowed on any tower or antenna unless required for safety purposes.
- M. Where the lot on which a tower is to be erected does not meet the minimum lot size requirement of the ~~zoning~~districtzone or does not have frontage on the public street from which it derives access, then building permits shall not be issued for any structures other than telecommunications towers and the unmanned accessory facilities required for that tower's operation. This use restriction must be made a part of any plat or deed describing this lot until such time as the lot comes into compliance with the zoning regulations.
- N. Whenever a tower site does not have frontage on the public street from which it derives access, a permanent, twenty (20) foot wide access easement shall be required.

- O. A landscape buffer shall be required in all ~~districts-zones~~ and shall effectively screen the view of the fence and accessory structures from public ways and adjacent properties.
1. The buffer shall be installed outside the security fence.
 2. The buffer shall consist of a minimum ten-foot-wide landscaped strip planted with an attractive combination of trees, shrubs, vines and/or groundcovers.
 3. Minimum required plantings include:
 - a. A row of evergreen trees a minimum of eight feet tall when planted placed a maximum of ten feet apart;
 - b. A continuous hedge of evergreen shrubs at least thirty (30) inches high when planted placed in front of the tree line;
 - c. All plant materials shall be xeriscape tolerant.
 4. The owner of the tower shall be responsible for providing and maintaining all landscaping in a healthy and growing condition and replacing unhealthy or dead plants by the beginning of the next growing season with plants that conform to the original intent of these regulations for as long as the tower stands.

(Ord. No. 527, § 1, 6-14-2022)

17.42.080 Amateur radio towers and antennas.

Amateur radio towers and antennas are permitted in any residential ~~district-zones~~ subject to the following conditions:

- A. One tower may be installed in the rear yard only as an accessory structure to a licensed operator's legal residence, and all guy wires and anchors must be contained on the lot and may not extend closer than ten feet to any boundary line of the lot.
- B. The tower and antenna shall not exceed the height limitation of the zone. The applicant shall show that the impact area (that area in all directions from the tower base equal to the tower's/antenna's height above grade) is completely on the operator's property.
- C. Amateur radio towers in residential ~~districts-zones~~ shall be used exclusively for amateur radio antennas.
- D. A building permit must be issued prior to installation of an amateur radio tower.
- E. Amateur radio towers to be located in nonresidential ~~districts-zones~~ must comply with Sections 17.42.010, 17.42.050, 17.42.070 and 17.42.100 of this chapter, as applicable.

(Ord. No. 527, § 1, 6-14-2022)

17.42.090 Co-location.

To minimize the adverse visual, aesthetic and environmental impacts associated with the proliferation of towers, co-location of antennas or facilities by more than one provider on existing or permitted towers shall take precedence over the construction of new towers. Towers shall be designed to maximize shared use to the extent possible for the type of tower proposed without creating structural instability or electromagnetic interference with other antennas on the tower.

- A. Subject to subsection B of this section, no new tower shall be permitted unless the applicant demonstrates by sufficient documentary evidence that at least one of the following conditions is applicable:
1. No existing towers or suitable structures are located or available within the geographic area required to meet applicant's engineering requirements, and no such towers are under consideration for building permits.
 2. Existing towers or structures are not of sufficient height and cannot be reasonably altered to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength and cannot be reasonably altered to support applicant's proposed antenna and related equipment.
 4. The proposed antenna would cause electromagnetic interference with existing antenna(s) on the tower or structure, or the existing antenna(s) would cause interference with the proposed antenna and the interference cannot be prevented at a reasonable cost.
 5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. Co-location would have a more detrimental environmental, aesthetic or visual impact on the surrounding area than would construction of a new tower.
- B. Even if an applicant is able to demonstrate the existence of one of the foregoing conditions, a new tower may not be permitted if it is determined by substantial evidence that the proposed location of the tower is not essential to the applicant to provide service in a given geographical area, and the tower would:
1. Interfere with or endanger the use of other telecommunication facilities; or
 2. Endanger persons or property; or
 3. Not be compatible with existing or proposed adjacent development; or
 4. Have a significant environmental, visual or aesthetic impact on the surrounding area.

(Ord. No. 527, § 1, 6-14-2022)

17.42.100 Abandonment.

- A. Any telecommunications tower, antenna or facility that has not been in use for its original telecommunications purpose for a period of one hundred eighty (180) days shall be deemed to be abandoned. The tower owner shall remove the abandoned tower and shall have ninety (90) days to remove an abandoned tower and any accessory structures or to reactivate the tower or to transfer the tower to another owner who shall submit a plan to reactivate it. Removal of abandoned towers and accessory structures shall be at the tower owner's expense. In the event that the tower owner fails to remove the abandoned facility and support structure, the property owner shall be responsible for removal and disposal within ninety (90) days at the property owner's sole expense.
- B. Every tower owner shall provide the City Clerk with a list of all towers owned by them, indicating the date of cessation of operation for any inactive towers, the date of dismantling for removed towers, the date of transfer of towers to other owners or subleases, and a certification that each standing tower is in compliance with Section 17.42.070(J) of this chapter. In addition, every tower owner shall within thirty (30) days of the transfer assignment or sublease of a tower's ownership provide the City Clerk with the date of such transfer.

(Ord. No. 527, § 1, 6-14-2022)

Chapter 15.04 CONSTRUCTION CODES ADOPTED

15.04.010 Purpose.

The purpose of this chapter shall be as set forth in the codes and regulations adopted herein. Notwithstanding anything in the ordinance codified in this chapter or adopted codes to the contrary, this chapter and the adopted codes shall be administered for the benefit of the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.

(Ord. No. 400, § 1, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 1, adopted July 5, 2010 repealed the former § 15.04.010, and enacted a new § 15.04.010 as set out herein. The former § 15.04.010 pertained to Uniform Codes adopted and derived from Ord. 302, 1999; Ord. 300 (part), 1999; Ord. 264, 1995; Ord. 208, 1991; Ord. 191 (part), 1990; Ord. 171, 1987; Ord. 145, 1984; Ord. 52 § 1, 1956.

15.04.015 State Building Code adopted.

- A. The city of Millwood adopts by reference the State Building Code set forth in Chapters 19.27 and 19.27A RCW, as may be subsequently amended by the state of Washington and ~~or Spokane County~~ City of Spokane Valley or current contracted building plan review and inspection authority as established through interlocal agreement, together with all amendments and additions provided in MMC Title 15, as the minimum regulations of the city governing buildings, ~~and~~ structures, equipment, and activities, and shall have the same force and effect as if fully set forth herein. Use of the word "minimum" throughout this chapter and the codes adopted herein is not intended to imply that additional requirements may be applied absent approved standards or regulations requiring such, which include the following and by this reference shall have the same force and effect as if fully set forth herein. The adopted code includes:
1. The International Building Code as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IBC, as modified by WAC 51-50 or successor.
 2. The International Residential Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IRC, as modified by WAC 51-51 or successor.
 3. The International Mechanical Code and the International Fuel Gas Code, NFPA 58 and NFPA 54, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IMC, as modified by WAC 51-52 or successor.
 - a. ~~The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code (WAC 51-52-0101).~~
 - b. ~~The standards for liquefied petroleum gas installations shall be the 2001 Editions of NPA 58 (Liquefied Petroleum Gas Code) and the 2002 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code) (WAC 51-52-0101).~~

4. The International Fire Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IFC, as modified by WAC 51-54A or successor.
 5. The Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials, including Washington State Amendments, hereinafter referred to as the UPC, as modified WAC 51-56 and 51-57 or successor.
 6. International Energy Conservation Code, as published by the International Code Council, including Washington State Amendments; hereinafter referred to as the IECC, The Washington State Energy Code, as modified by WAC 51-11C and 51-11R or successor.
- B. The fees for building permits, mechanical permits, plumbing permits, other construction related permits, change of use permits, and investigation fees shall be set by resolution of the council of the city of Millwood and/or per Interlocal Agreement for building review and inspection, as applicable.

(Ord. No. 400, § 2, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 2, adopted July 5, 2010 repealed the former § 15.04.015, and enacted a new § 15.04.015 as set out herein. The former § 15.04.015 pertained to state Building Code adopted and derived from Ord. 359, 2007; Ord. 342, 2004; Ord. 300 (part), 1999.

15.04.016 Other codes and standards.

In addition to the codes listed in section 15.04.015, and except as modified by this chapter, the following codes and standards are adopted and shall have the same force and effect as if fully set forth herein:

- ~~{A.}~~ The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials, as amended.
- ~~{B.}~~ Chapters 296-150C, 296-150F and 296-150M of the Washington Administrative Code, as amended. In addition, the Manufactured Housing Inspection Manual as published by the Washington Manufactured Housing Association is to be used as a supplement to and reference for the aforementioned administrative code.
- ~~{C.}~~ Chapter 51-16-030 WAC, Exemptions for indigent housing, as amended.
- ~~{D.}~~ Chapter 51-19 WAC, Washington State Historic Building Code, as amended.
- ~~{E.}~~ The 2018 Edition of the International Property Maintenance Code, current adopted edition, as published by the International Code Council, Inc., except Sections 106, 111, 302.3, 302.4, 302.8, 304.2, 304.8, 304.13 through 304.19, 305.3, 305.6, 308, 309.2 through 309.5, 404.1, 506.3, 507, and 606 are not adopted. The adopted International Property Maintenance Code is further hereby amended as provided in Section 15.04.020(K). The adopted International Property Maintenance Code is in addition and supplemental to any and all other adopted codes and regulations, and applies to any and all existing structures and premises; equipment, facilities and fixtures; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures; and such other matters as contained therein. ~~2012 Edition of the International Property Maintenance Code as published by the International Code Council, Inc., as amended, except Sections 106 (Violations), 107 (Notices and Orders), and 111 (Means of Appeal).~~

In case of conflict by and among the Millwood City Code and the codes and standards adopted by this chapter, the building official shall make a determination as to which code shall govern. Codes referred to

throughout the codes adopted by this chapter, such as but not limited to the International Existing Building Code, may be used as reference/guidelines but are not in effect unless specifically adopted in this chapter or applicable provisions of the Washington Administrative Code.

(Ord. No. 400, § 3, 7-5-2010; Ord. No. 472, § 1, 5-12-2015)

15.04.020 Amendments—Administration and enforcement.

The following amendments to the State Building Code set forth in Chapters 19.27 and 19.27A RCW are adopted and apply within this jurisdiction:

- A. The city of Millwood shall be the "[NAME OF JURISDICTION]" as applicable in all the codes adopted in Section 15.04.020.
- B. The Building Code adopted in this chapter by reference shall be interpreted, administered, and enforced by the building official of the city, or his/her authorized assistants and deputies.
 - 1. Building official means the City Planning Director / City Planner or his/her designee who is responsible for the administration of Chapter 15.04 of the Millwood Municipal Code (Construction Code).
 - 2. When an interlocal agreement is adopted for Millwood building review and inspections, the Millwood building official shall coordinate with the building official of the jurisdiction identified in the interlocal agreement and may defer to his/her expertise. The building official shall be appointed by the mayor to serve during the mayor's term of office, or until his successor is appointed and qualified, and he shall receive such salary as determined by the city council.
- C. The building official of the city shall be deemed the "building official" as defined in Section 202 of the International Building Code and Section R202 of the International Residential Code.
- D. The building official of the city shall be deemed the "code official" as defined in Section 202 of the International Mechanical Code, Section 202 of the International Fuel Gas Code and Section 202 of the International Property Maintenance Code.
- E. The fire chief of the Spokane Valley Fire Department shall be deemed the "fire code official" as identified in Section 202 of the International Fire Code.
- F. International Building Code:
 - 1. Amend Section 105, Permits, as follows:
 - a. Section 105.2, Work exempt from permit, Building: 1. to read as follows:
One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses provided the floor area does not exceed 200 square feet (11.15 m2), and the accessory structure is not occupied as a living space / dwelling unit. Site plan review, as outlined in Section 17.44.050, is still required through City of Millwood for accessory structures between 121 square feet and 200 square feet.
 - b. Section 105.2, Work exempt from permit, Building: Item 6. to read as follows:
Item 6. Decks, sidewalks and driveways not more than 30 inches (762 mm) above the lowest adjacent ground level within six feet horizontally of the edge of the deck, sidewalk or driveway and where a guardrail is not required by other sections of this code, and not over any basement or story below and are not part of an accessible route.
 - 2. Amend Section 1613, Earthquake loads, as follows:

- a. Add a sentence to subsection 1613.1, Scope, as follows:

The minimum seismic design category shall be C.

Scope:

- a. ~~Section 101.2 is amended to exclude work located primarily in the public way, public utility towers and poles, mechanical equipment not specifically regulated in this code and hydraulic flood control structures from the scope of the code.~~
- b. ~~Section 101.2, Exception 2, pertaining to the existing building code, is deleted.~~
- c. ~~Section 3109 is deleted; swimming pool enclosures shall comply with Chapter 3.11 of this title.~~
- 2. ~~Appendices. Appendix Chapters C and I as amended herein, are adopted as part of this title.~~
- 3. ~~Referenced Codes. IBC sections 101.4.1—Electrical, 101.4.4—Plumbing, 101.4.5—Property Maintenance, and 101.4.7—Energy are deleted.~~
- 4. ~~Building permit requirements:~~
 - a. ~~Exemptions. Building Permits:~~
 - i. ~~Section 105.2, Building: Item 1 is amended to substitute "200" for the square feet of building exempt from permit requirements.~~
 - ii. ~~Section 105.2, Building: Item 6 is amended to read "platforms, decks, walks and driveways not more than 30" (762 mm) above grade and not over any basement or story below and which are not part of an accessible route."~~
 - iii. ~~Section 105.2, Building: Item 9 is amended to read "prefabricated swimming pools accessory to a Group R-3 occupancy (IBC), detached one- and two-family dwellings and multiple single-family dwellings regulated by the IRC which do not exceed 5000 gallons (18925L) and are installed entirely above ground."~~
 - b. ~~Section 105.2 is amended to delete the Electrical, Gas, Mechanical, and Plumbing subsections.~~

G. International Residential Code:

- 1. Replace Table R301.2(1), Climatic and Geographic Design Criteria with the criteria identified in Section 15.04.025.
- 2. Amend Section R310.2.5, Emergency escape and rescue openings, as follows:
R310.2.5 Replacement of emergency escape and rescue openings except for replacement of glazing only in such windows shall be of the size required by this section.
- 3. Amend Section R322, Flood-resistant construction, as follows:
 - a. Modify R322.1, General, to add municipal code reference and read as follows:
All development in whole or in part within a designated floodplain shall comply with Chapter 15.20 and Title 18 and be designed and constructed in accordance with the provisions contained in this section.
 - b. Add a sentence to subsection R322.1.4, Establishing the design flood elevation, such that the section reads as follows:
The design flood elevation is equal to base flood elevation plus one (1) foot. The design flood elevation shall be used to define areas prone to flooding, and shall describe, at a

minimum, the base flood elevation at the depth of peak elevation of flooding (including wave height) which has a 1 percent (100-year flood) or greater chance of being equaled or exceeded in any given year.

- c. Delete item 1 in subsection R322.2.1, Elevation requirements, as amended by Washington State, and replace with a new item 1 to read as follows:

Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above base flood elevation plus one foot.

- d. Delete item 3 in subsection R322.2.1, Elevation requirements, as amended by Washington State, and replace with a new item 3 to read as follows:

Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus one foot.

- e. Add a second paragraph to Section R322.3.9, Construction documents, to read as follows:

The documents shall include a verification of foundation elevation prior to footing inspection approval and a verification of lowest floor elevation to be base flood elevation plus one foot prior to framing inspection approval.

Appendices. Appendix Chapter G, as modified by Chapter 3.11 of this title, is adopted as part of this title.

2. — Permits.

- a. R105.2, work exempt from permit, is replaced by IBC section 105.2, as amended by Section 3.03.030(a) of this title.

- b. Those provisions of R105.2 pertaining to electrical and plumbing permits are deleted.

H. International Mechanical Code and the International Fuel Gas Code. Reserved.:

1. — Appendices. Reserved.

2. — Mechanical permit and inspection requirements:

- a. Permits. Permits for mechanical installations in projects which also require building permits shall not be issued prior to issuance of the building permit. The building official may develop procedures other than those specified in the IMC to facilitate the issuance of permits.

3. — Licensing requirements.

- a. General. In addition to the licensing requirements of the state of Washington, anyone performing gas fitting work, installation of gas piping, venting, gas-fired appliances or repairing gas-fired appliances is required to have in their possession a current gas fitters license as issued by the city of Spokane applicable to the scope of work being performed.

- b. Authority to Verify. The building official may request that individual(s) performing gas-fitting work provide evidence of a current license. When valid license cannot be produced the work may be stopped until such time as a licensed gas fitter can be verified. Further, any work performed by individuals not possessing a valid license may be required to be dismantled or otherwise corrected by licensed individuals.

4. — Recognized standards. Where no applicable standards or requirements are set forth in the IMC as adopted by this title or contained within other applicable laws, codes, regulations or bylaws, compliance with applicable standards of the Standard for Installation of Gas Appliances and Gas Pipe, Gas Conversion Burners, and Equipment in excess of four hundred thousand BTUs or other

~~nationally recognized standards as are approved by the building official shall be deemed prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the power of the building official to determine compliance with codes or standards for those activities or installations within the building official's jurisdiction or responsibility.~~

I. ~~International Fire Code.~~ Reserved.

1. 1. Adopt Appendix B, Fire Flow Requirements for Buildings.
2. Adopt Appendix C, Fire Hydrant Locations and Distribution.
3. Adopt Appendix D, Fire Apparatus Access Roads; amend Section D101.1, to read as follows:
D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code including the provisions of Section 503 Fire Apparatus Access Roads.

J. ~~Uniform Plumbing Code.~~ Reserved.

- ~~1. General. Pursuant to the WAC 51-56-003, Chapters 12 and 15 of the UPC are deleted. In addition, those requirements of the UPC relating to venting and combustion air of fuel fired appliances as found in UPC chapter 5 and those portions of the UPC addressing building sewers are not adopted.~~
- ~~2. Appendices. Appendix D is adopted and made a part of this title. The figure to be used in sizing drains in Appendix D shall be not less than two inches of rainfall/hour.~~
- ~~3. Plumbing permit and inspection requirements Permits for plumbing installations in projects requiring building permits shall not be issued prior to the building permit. The building official may develop procedures other than those specified in the UPC to facilitate the issuance of plumbing permits.~~

K. The 2018 International Property Maintenance Code.

1. Amend Section 202, General definitions, by adding the following definitions:
 - a. Blighted property. A property, dwelling, building, or structure which constitutes blight on the surrounding neighborhood. "Blight on the surrounding neighborhood" is any property, dwelling, building, or structure that meets any two of the following factors:
 - i. A dwelling, building, or structure exists on the property that has not been lawfully occupied for a period of one year or more;
 - ii. The property, dwelling, building, or structure constitutes a threat to the public health, safety, or welfare as determined by the Mayor or designee;
 - iii. The property, dwelling, building, or structure is or has been associated with illegal drug activity during the previous twelve months.
 - b. Drug properties and structures. Any building, structure and/or associated property, identified by the Chief of Police, wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public.
2. Amend Section 202, General definitions, by deleting the following definitions:
 - a. Garbage;
 - b. Housekeeping unit;
 - c. Inoperable motor vehicle.

3. Amend Section 108, Unsafe structures and equipment, as follows:

a. Add a new subsection 108.8, Blighted properties, to read as follows:

In conformance with RCW 35.80A.010, the City may acquire by condemnation, in accordance with the notice requirements and other procedures for condemnation provided in Title 8 RCW, any property, dwelling, building, or structure which constitutes a blight on the surrounding neighborhood.

Prior to such condemnation, the City Council shall adopt a resolution declaring that the acquisition of the real property described therein is necessary to eliminate neighborhood blight. Condemnation of property, dwellings, buildings, and structures for the purposes described in this chapter is declared to be for a public use.

b. Add a new subsection 108.9, Drug properties and structures, to read as follows:

Drug properties and/or structures are declared to be unsafe properties or structures and are a classification of property subject to the special procedures set forth in Section 108.8. The Building Official is authorized to abate such unsafe buildings, structures, and/or associated properties in accordance with the procedures set forth in this code and Washington statute, chapter 64.44 RCW, with the following additional actions:

- i. Due to public safety hazard in drug production facilities, all public and private utilities shall be disconnected.
- ii. Building(s) and structures shall be inspected to determine compliance with all City ordinances and codes
- iii. Building(s) and any entry gates to the property shall be secured against entry in the manner set forth in this code.
- iv. Reconnection of utilities or occupancy of the building(s), structures or property shall not be allowed until all violations have been addressed, all dangerous conditions abated and a notice of release for re-occupancy has been received from the health department and sheriff's office.
- v. If dangerous conditions cannot be abated, occupancy shall be prohibited and the structure and/or property may be subject to condemnation pursuant to RCW 35.80A.010, Condemnation of blighted property.

4. Replace the code reference, International Plumbing Code, in Sections 502.5 and 505.1 with the following:

The State adoption of the Uniform Plumbing Code.

5. Delete the text of Section 602.2, Residential occupancies, and replace with the following:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

6. Delete the text of Section 602.3, Heat supply, and replace with the following:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to supply heat to occupants thereof shall provide heat to maintain a temperature of 68° F (20° C) in all habitable rooms, bathrooms, and toilet rooms.

7. Replace paragraph one of Section 602.4, Occupiable work spaces, with the following:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of 65° F (18° C) during the period the spaces are occupied.

8. Replace the code reference, ICC Electrical Code, in Section 604.2, Service, with the following:

The State adoption of the National Electrical Code.

9. Also refer to Chapter 15.16 for Dangerous Buildings.

(Ord. No. 400, § 4, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 4, adopted July 5, 2010 repealed the former § 15.04.020, and enacted a new § 15.04.020 as set out herein. The former § 15.04.020 pertained to building official defined—appointment—compensation and derived from Ord. 52 § 5, 1956.

15.04.025 Design loads.

A. In addition to the criteria set forth in the codes adopted by this title, buildings and structures shall be constructed in accordance with the criteria set forth in the following table:

Ground Snow Load *	39 lbs/ft ² (a) <u>*Roof Snow Load: min. 30 lbs/ft²</u>
Wind <u>Design - Ultimate Design</u> Speed (mph) *	85-110 mph <u>*Nominal Design Speed: 85</u>
<u>Topographic effects</u>	<u>No</u>
<u>Special wind region</u>	<u>No</u>
<u>Windborne debris region</u>	<u>No</u>
Seismic Design Category	ISO-33 °C
<u>Subject to damage from:</u>	
Weathering	Severe
Frost Line Depth	24 inches
Termites	Slight to moderate
Decay	None to slight
Winter Design Temp	10°F
Ice Shield-Barrier Underlayment Required	Yes
Flood Hazards	1. 1612.3 IBC, FIRM Maps a) 53063C0558D b) 53063C0559D c) 53063C0566D d) 53063C0567D
Air Freeze Index	1232
Mean Annual Temp.	47.2°F
<u>Manual J Design Criteria (may be based on site-specific data in accordance with the WA State Energy Code)</u>	
<u>Elevation</u>	<u>2001</u>
<u>Latitude</u>	<u>47°N</u>
<u>Winter heating</u>	<u>7°F</u>
<u>Summer cooling</u>	<u>89°F</u>
<u>Altitude correction factor</u>	<u>0.94</u>
<u>Indoor design temperature</u>	<u>72°F</u>
<u>Design temperature cooling</u>	<u>75°F</u>
<u>Heating temperature difference</u>	<u>65°F</u>

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<u>Cooling temperature difference</u>	<u>14°F</u>
<u>Wind velocity heating</u>	<u>15 MPH</u>
<u>Wind velocity cooling</u>	<u>7.5 MPH</u>
<u>Coincident wet bulb</u>	<u>61</u>
<u>Daily range</u>	<u>High</u>
<u>Winter humidity</u>	<u>30%</u>
<u>Summer humidity</u>	<u>50%</u>

- B. Snow Loads. The basic minimum roof snow load for the city is established as thirty (30) pounds per square foot except as otherwise provided for in this chapter. The building official in all cases shall determine snow loads where the minimum figure hereby established appears inadequate. Such determinations shall be based on analysis of local climate and topography and the "Snow Load Analysis for Washington" as published by the Structural Engineers Association of Washington.
- C. Flood Damage Protection. Flood loads and flood resistant construction requirements contained within the codes adopted herein shall be used in conjunction with the requirements of the city's flood hazard ordinance. In case of conflict, the requirements of the flood hazard ordinance shall prevail.

(Ord. No. 400, § 5, 7-5-2010)

15.04.030 Permit required to do work.

- A. No person, firm or corporation shall erect, construct, enlarge, alter, move, improve, remove, convert or demolish any building, structure, mechanical system or plumbing system regulated by this chapter, in the city or cause the same to be done, without first obtaining a separate building permit for each such building, structure or system installation from the building official.
- B. Application. For the purpose of this chapter and the provisions of RCW 19.27.095(2), the requirements for a fully completed application for a building permit are delineated in Section 105.3 of the IBC.

(Ord. No. 400, § 6, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 6, adopted July 5, 2010 repealed the former § 15.04.030, and enacted a new § 15.04.030 as set out herein. The former § 15.04.030 pertained to permit required to do work and derived from Ord. 113, 1981; Ord. 52 § 2, 1956.

15.04.040 Application for permit to do work.

To obtain a permit, the applicant shall file an application therefor in writing on a form furnished for that purpose by the building official. Each application for a permit shall be accompanied by two sets of plans and specifications, provided, however, that the building official may waive the requirement that plans and specifications be submitted with the application for a permit under certain conditions as determined by the building official and in the case of small and unimportant work.

A. Projects subject to regulation under MMC Title 15 vest to the state code edition under which a complete application was accepted.

- 1. Time Limitation of Application. Applications are valid for one year. One or more extensions of time may be granted for a term of not more than 180 days but shall not exceed the time remaining in the code cycle to which the application is vested. Any request for extension shall be made in writing. All permit applications regulated by MMC Title 15 shall be deemed to be

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abandoned and become null and void if a permit is not issued within the time limits described herein.

a. Applications that have expired subject to MMC 15.04.040 have no vested right to review under the state code or Millwood Municipal Code in effect at the time of original complete application.

b. For review to continue on a project for which the application has expired, a new permit application must be submitted and a new fee paid. The application is subject to the processes and requirements of the Millwood Municipal Code as constituted at the time of the new application. The scope of application submittal requirements and review process shall be determined by the building official or designee.

2. Expiration of Permits. Every permit issued subject to MMC 15.04.040 shall expire and become invalid unless the work authorized by such permit is commenced within two years of issuance. One or more extensions of time may be granted for a term not more than 180 days but shall not exceed the time remaining in the first full code cycle after the code cycle to which the permit is vested. Any such extension shall be requested in writing.

A permit issued subject to MMC 15.04.040 shall expire and become invalid if the work authorized by the permit is not completed within two years after the first required inspection has been made.

a. Permits that have expired subject to MMC 15.04.040 have no vested right to review under the Millwood Municipal Code in effect at the time of original complete application acceptance.

b. When a permit expires and the work authorized by the expired permit is not completed, the remaining work may continue only after a new permit application for the remaining work has been submitted, approved, and new fees paid. The scope of permit review and fee amount shall be determined by the building official or designee. The fees shall be set to cover actual City costs for services or services per an interlocal agreement.

c. Compliance Actions. If a permit issued to resolve a code violation expires subject to MMC 15.04.040, the property owner may be subject to the immediate imposition of penalties and remedies authorized by the Millwood Municipal Code.

B. Permit Ownership. Ownership of a permit issued pursuant to MMC Title 15 inures to the property owner. If the permit applicant is not the property owner, the applicant shall be held to be an agent of, and acting on behalf of, the property owner.

C. Work Commencing Before Permit Issuance. Any person who commences any work on a building structure, electrical, gas, mechanical or plumbing system, before obtaining necessary permits, shall be subject to an investigation fee in accordance with Section 15.04.015(B) of this chapter.

The investigation fee shall be equal to and additional to the permit fee that would have been required had a permit been issued and is owed whether or not a permit is subsequently issued. Payment of the investigation fee does not vest illegal work or establish any right to a permit.

D. Permits shall be processed in accordance with Chapter 14.12 with the classification and review process as defined in Section 14.12.025, Applications / Project Classification Types and Review Process.

(Ord. 52 § 3, 1956)

15.04.050 Fee for permit to do work.

A fee for each building permit shall be paid to the building official in accordance with Section 15.04.015(B) of this chapter.

(Ord. No. 400, § 7, 7-5-2010)

Editor's note(s)—Ord. No. 400, § 7, adopted July 5, 2010 repealed the former § 15.04.050, and enacted a new § 15.04.050 as set out herein. The former § 15.04.050 pertained to fee for permit to do work and derived from Ord. 52 § 4, 1956.

15.04.060 Amendments to Building Code.

Any and all amendments and additions to the Building Code adopted in this chapter by reference, when the same are printed and filed with the city clerk-treasurer shall be considered and accepted as amendments to this chapter, without the necessity of further adoption of such amendments or additions, and shall have the full force of ordinances enacted by the city council of the city.

(Ord. 52 § 8, 1956)

15.04.070 Appeals from decisions of building official.

~~The city council of the city shall sit as a board of adjustment and shall pass upon any appeals from the decisions of the building official rendered in connection with the enforcement of this chapter. Said board of adjustment may grant variances with or without conditions being imposed if such variances comply with the spirit and intent of this chapter, and said board of adjustment may grant temporary permits. The appeal of any decision, order or determination of the building official shall be made in conformance with MMC 14.12.140. If a final decision is made by another entity on behalf of the City of Millwood based on an Interlocal Agreement or services contract that is in effect, an appeal would follow that entity's decision appeal process.~~

(Ord. 52 § 10, 1956)

15.04.080 Zoning title controls.

In the event of any conflict between this chapter and Title 17 of this code, entitled the zoning ordinance of the city of Millwood, relative to yard and other open spaces, and to the size, height, area, location and use of buildings, the provisions of Title 17 shall be controlling.

(Ord. 52 § 9, 1956)

15.04.090 Violation—Penalty.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, or of the Codes and/or Standards adopted by this chapter and by reference made a part of this chapter as fully as if set forth in full in this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not to exceed ~~five hundred one thousand~~ five hundred one thousand dollars (\$~~5001000.00~~ 5001000.00) or imprisoned in the county jail for a term of not exceeding ninety (90) days or both, for each separate offense. Each day that a violation is permitted to exist shall constitute a separate offense.

In addition, violation of section 15.04.016(E) may be subject to enforcement and punishment in accordance with Chapter 8.14 of the Millwood Municipal Code; provided, that such violation is the result of conditions or defects that endanger the life, health, property or safety of the public or the structure's occupants.

(Ord. 191 (part), 1990: Ord. 52 § 11, 1956; Ord. No. 472, § 3, 5-12-2015)

Chapter 15.16 DANGEROUS BUILDINGS

15.16.010 Findings.

- A. It is found that within the city exist dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of the city.
- B. It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this chapter is declared to be a matter relating to public health, welfare and safety.

(Ord. 255 § 1, 1995)

15.16.020 Purpose and scope.

- A. Purpose. The purpose of the provisions of this chapter is to provide a just, equitable and practicable method of requiring the repair, vacation or demolition of dwellings, buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or occupants. Furthermore, it is the policy of the city to encourage the rehabilitation of usable structures and to demolish those that are beyond repair.
- B. Scope. The provisions of this chapter shall apply to all dangerous and unfit dwellings, buildings or structures, as herein defined, which are now in existence or which may hereafter become dangerous or unfit.

(Ord. 263 (part), 1995; Ord. 255 § 2, 1995)

15.16.030 Definitions.

The terms used in this chapter shall have the meaning herein given to them.

"Abandoned" means a building or structure that has not been used, inhabited or maintained for a period greater than one year.

"Boarded-up building" means a building that has had its windows or other doorless entries secured with an extrinsic device and which gives to the building the appearance of nonoccupancy or nonuse for an indefinite period of time. After one year a boarded-up building becomes a dangerous or unfit building or structure as provided in Section 15.16.040.

"Building official" means the fire marshal of the city or the person appointed to the position of building official by the Millwood city council, consistent with MMC 15.04.020(B).

"Dwelling, building or structure" means any structure built for the support, shelter or enclosure of persons, animals or property of any kind.

"Last known address" means the last address as shown on the records of the assessor of Spokane County, Washington, for real tax purposes, and any other address known to the building official.

"Owner" means the owner, mortgagee, lessee, agent and/or other person having an interest in a building, or their personal representatives, as shown by the records of the county auditor of Spokane County, Washington, and the occupant of said building, if any.

"Person" means every natural person, firm, partnership, corporation, association or organization.

(Ord. 263 (part), 1995; Ord. 255 § 3, 1995)

15.16.040 Dangerous or unfit dwellings, buildings or structures defined.

All buildings or structures which have any or all of the following defects shall be deemed dangerous or unfit buildings or structures:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- B. Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe;
- D. Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or others;
- E. Those which have become or are so dilapidated or decayed or unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or others;
- F. Those having lighting or sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of escape;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or damage property;
- I. Those which have any exterior cantilever wall, or parapet, or appendage attached to or supported by an exterior wall of the building located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such cantilever, parapet or appendage is not so constructed, anchored, or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;
- J. Those which have an exterior wall located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such wall is not so constructed, anchored or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;

- K. Those which have defective or hazardous wiring, including wiring which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not being used in a safe manner;
- L. Those having defective or hazardous plumbing which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not free of cross connections or siphonage between fixtures;
- M. Those having defective or hazardous heating or ventilating equipment including equipment, vents and piping which did not conform with the codes applicable at the time of installation or has not been maintained in good and safe condition;
- N. Those which have been abandoned or boarded up and vacant for one year or more and there is no approved plan for rehabilitation, sale, demolition or other disposition of the building to take place within a reasonable time as determined by the building official.
- O. Non-compliance with International Fire Code (IFC), including Washington State amendments for building code requirements, as determined by Spokane Valley Fire District No. 1.

(Ord. 263 (part), 1995; Ord. 255 § 4, 1995)

(Ord. No. 556, § 1, 11-24-2025)

15.16.050 Standards for repair, vacation or demolition.

- A. The following standards shall be followed in substance by the building official and the city council in ordering, at the property owner's expense, the repair, vacation, or demolition of dwellings, buildings or structures that have become dangerous or unfit.
 - 1. If the dangerous or unfit dwelling, building or structure can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, the building official shall order that the repair work commence within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - 2. If the building official has determined that the dwelling, building or structure must be vacated, the order shall require the vacation within a certain time from the date of the order as determined by the building official to be reasonable (not to exceed sixty (60) days from the date of the order). However, vacation of the dwelling, building or structure is only a temporary solution to imminent danger and a dwelling, building or structure may not remain boarded up longer than one year unless an extension of time is part of a plan approved by the building official detailing the future rehabilitation, sale, demolition or other disposition of the dwelling, building or structure.
 - 3. If the dangerous or unfit dwelling, building or structure is greater than fifty (50) percent damaged or decayed or deteriorated in value, or if it cannot be repaired so that it will no longer exist in violation of the terms of this chapter, the building official shall require that the building or structure be vacated within such time as the building official shall determine is reasonable (not to exceed sixty (60) days from the date of the order), and that the demolition be completed within such time as the building official shall determine is reasonable. Value as used herein shall be the valuation placed upon the building or structure for purposes of general taxation.
 - 4. If the dangerous or unfit building or structure is a fire hazard, existing or erected in violation of the terms of this chapter or any other ordinance of the city or the laws of the state of

Washington, the building official shall require that the dwelling, building or structure be vacated within such time as the building official shall determine is reasonable (not to exceed sixty (60) days from the date of the order), and that the repair or demolition be completed within such time as the building official shall determine is reasonable.

5. If the dwelling, building or structure has been boarded up for one year or longer, the building official may require the owner or party of interest to provide the building official with a plan for rehabilitation, sale, demolition or other disposition of the building for his approval, and that the approved plan be carried out and completed within such time as the building official shall determine is reasonable under all of the circumstances.
- B. The building official may require vacated buildings or structures be boarded up and secured and this boarding be maintained until the building or structure is repaired or demolished, as stated on the building official's order.
- C. The building official may grant an extension of time for compliance with any order upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.
- D. An extension of time may be revoked by the building official if it is shown that the conditions at the time the extension was granted have changed if the building official determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date.

(Ord. 263 (part), 1995; Ord. 255 § 5, 1995)

15.16.060 Enforcement.

- A. Administration. The building official is authorized to enforce the provisions of this chapter.
- B. Inspections. The building official is authorized to make such inspection and take such actions as may be required to enforce the provisions of this chapter.
- C. Right of Entry.
 1. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any dwelling, building or structure any condition which makes such dwelling, building or structure unfit or dangerous as defined in this chapter, the building official or his authorized representative may enter such dwelling, building or structure at all reasonable times to inspect the same or perform any duty imposed upon the building official by this chapter provided that:
 - a. If such dwelling, building or structure be occupied he shall first present proper credentials and demand entry; and
 - b. If such dwelling, building or structure be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the dwelling, building or structure and demand entry.
 2. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.
 3. No owner or occupant or any other person having charge, care, or control of any dwelling, building or structure shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the building official or his authorized representative for the

purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be guilty of a misdemeanor.

(Ord. 255 § 6, 1995)

15.16.070 Building official— Dangerous or unfit building or structure— Notice of hearing.

If, after a preliminary investigation of any dwelling, building or structure the building official finds that it is dangerous or unfit for human habitation or other use, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Spokane Auditor's Office, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building or structure is dangerous or unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, and the building official shall make an affidavit to that effect, then the serving of such complaint upon such persons may be made by publishing the same once each week for two consecutive weeks in a legal newspaper of general circulation in the city. Such complaint shall contain a notice that a hearing will be held before the building official, at a place therein fixed, not less than ten days nor more than thirty (30) days from the date of the first serving of the complaint, or in the event of publication, not less than ten days nor more than thirty (30) days from the date of the first publication and posting, that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. A copy of such complaint for hearing shall also be filed with the auditor of Spokane County, Washington.

(Ord. 255 § 7, 1995)

15.16.080 Building official— Hearing—Evidence— Order.

- A. The hearing provided for in Section 15.16.070 shall be conducted by the building official at the time and place provided for in the complaint, or at such other time or place to which said hearing shall be adjourned or continued. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building official.
- B. If, after hearing, the building official shall determine that such dwelling, building or structure is not unfit or dangerous as defined in this chapter, he shall enter in writing his findings of fact to that effect and shall enter an order dismissing the complaint and shall file a copy of such order with the auditor of Spokane County, Washington.
- C. If, after the hearing, the building official shall determine that such dwelling, building or structure is unfit or dangerous as defined in this chapter, he shall enter in writing his finding of fact to that effect and shall enter an appropriate order in accordance with the standards set out in this chapter, which order shall provide as follows:
 - 1. Requiring the owner or party in interest, within such reasonable time as may be specified in the order, to repair such dwelling, building or structure to render it no longer a dangerous or unfit dwelling, building or structure as defined in this chapter; or
 - 2. Requiring the owner or party in interest, within such reasonable time as may be specified in the order, to remove or demolish such dwelling, building or structure; or
 - 3. Requiring the owner or party in interest of a building that has been boarded up for more than one year to provide the building official with a plan for rehabilitation, sale, demolition or other disposition of the building, to be carried out and completed within such time as the building

official shall determine is reasonable under all of the circumstances. The building official shall issue a date by which the plan is to be presented to him for his approval.

- D. Any such order issued under the provisions of subsections (C)(1) and (C)(2) of this section may further require the owner or party in interest, or the occupant(s) of the same to vacate and board up such dwelling, building or structure, within such reasonable time as may be set out in such order, should the building official find that such dwelling, building or structure is dangerous or unfit for human habitation. However, it is the intent of this chapter that boarding a dangerous dwelling, building or structure is only a temporary solution to imminent danger and a dwelling, building or structure may not remain boarded up longer than one year unless an extension of time is part of a plan approved by the building official detailing the future rehabilitation, sale, demolition or other disposition of the dwelling, building or structure.

(Ord. 263 (part), 1995; Ord. 255 § 8, 1995)

15.16.090 Order—Service—Effect.

Any order of the building official entered under the provisions of Section 15.16.080 shall become final and conclusive unless within thirty (30) days from the date of service of such order upon the owner, party in interest, and occupant of the premises or within thirty (30) days after the posting of such order and service of the same to be accomplished in the same manner as set out in Section 15.16.070 shall file in writing with the building official a notice of appeal from the findings and order of the building official to the appeals commission.

(Ord. 255 § 9, 1995)

15.16.100 Millwood city council to be appeals commission— Notice of hearing.

- A. The Millwood city council is hereby designated as the appeals commission referred to in RCW 35.80.030 (g) as the municipal agency which shall hear and determine all appeals from any order of the Building Official issued under the provisions of Section 15.16.080(c).
- B. Upon receipt by the building official of a written notice of appeal by an interested party from any such order of the building official, he shall forthwith transmit the same to the clerk of the city, who shall fix a date, time and place for the hearing of such appeal which shall not be less than ten days nor more than forty (40) days after the date of filing of the notice of appeal. Notice of the date, time and place of the hearing on the appeal shall be given by the building official to each owner, party in interest, or occupant who shall have filed a notice of appeal. Such notice shall be given within no less than ten days preceding the appeal hearing and may be served upon each appellant personally or by certified mail to each appellant, return receipt requested, addressed to the appellant at the address given on the notice of appeal, or at the appellant's last known address. All matters submitted to the appeals commission must be resolved by the commission within sixty (60) days from the date of filing therewith.
- C. At the appeal hearing all parties in interest may appear in person, or otherwise, and may present any testimony and exhibits that may be relevant to the issues presented by appeal. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the city council.
- D. After the conclusion of the appeal hearing before the appeals commission, it shall enter its written finding of fact and an order consistent therewith, the same to conform to the standards set out in this chapter. The appeals commission may reverse the order of the building official and dismiss the complaint, or it may modify or affirm the order of the building official, as it finds appropriate under the

standards prescribed in this chapter. Within ten days after the hearing of any appeal, the city council shall:

1. Affirm or reverse the findings or rulings in the inspection report; or
 2. Make some adjustment of the required corrective action or the time for corrective action, imposing such conditions as necessary to assure reasonable safety.
- E. A complete and accurate record shall be made and kept of all appellate proceedings held before the city council. A transcript of such proceedings shall be furnished to any party in interest upon demand and upon payment to the city of the reasonable cost of preparation thereof.

(Ord. 279 (part), 1996; Ord. 263 (part), 1995; Ord. 255 § 10, 1995)

15.16.110 Appeals commission— Effect of order—Filing.

- A. The decisions of the city council on appeal shall be final and binding except for review by the Superior Court of the state of Washington as provided by RCW Chapter 35.80.030. The parties in interest appealing the commission's decision shall file their appeal with the Superior Court within thirty (30) days of the posting and service of the Commission's order. Forthwith upon entry thereof by the city council a copy of all findings of fact and of all orders shall be served upon all parties in interest, in the same manner as provided by Section 15.16.070, and a copy thereof shall be filed with the auditor of Spokane County, Washington.
- B. The findings and orders of the city council shall have and bear the same legal consequences as if issued by the building official.

(Ord. 255 § 11, 1995)

15.16.120 Defect abatement—Action by city—Assessments.

- A. If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, vacate, remove or demolish the dwelling, building or structure, the building official may direct or cause such dwelling, building or structure to be repaired, vacated, removed or demolished.
- B. The amount of the cost of such repairs, vacating, removal or demolition shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to the Spokane County treasurer by the city clerk of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such a manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the current expense fund of the city. The owner shall be personally liable for any deficiency.
- C. If the dwelling, building or structure is removed or demolished by the building official, he shall, if reasonably practicable, sell the materials of such dwelling, building or structure for the highest price offered by any person interested in the same. Proceeds from sale of materials shall be credited against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the building official, after deducting the costs incident thereto. In calling for bids for the removal or demolition of any dwelling, building or structure, the building official may accept net bids for the same, the contractor to retain salvage.

- D. Nothing herein shall be construed to authorize any contract for removal or demolition without action by the city council, and shall be subject to bid laws if the estimated cost exceeds that amount which the law of the state of Washington requires advertisement for bids and award of contract by the city council.

(Ord. 255 § 12, 1995)

15.16.130 Powers of building official.

The building official is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. Such powers shall include the following, in addition to others granted herein:

- A. To determine which dwellings within the city are unfit for human habitation, are unsafe or dangerous, or are unfit for other use;
- B. To administer oaths and affirmations, examine witnesses, and receive evidence; and
- C. To investigate all dwellings, buildings and structures within the city and to enter upon premises for the purpose of making examinations when the building official has reasonable grounds to believe they are unsafe, dangerous or unfit for human habitation or other use. Provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(Ord. 255 § 13, 1995)

15.16.140 Public nuisance defined and prohibited.

- A. The maintenance, use or sufferance to exist on any property within the city of any dwelling, building or structure, condition or use described below is declared to be a public nuisance.
 - 1. Any dwelling, building or structure which is an attractive nuisance to children;
 - 2. Any dwelling, building or structure determined to be an unfit or dangerous building, as defined in this chapter, by final order of the building official or of the city council, which ever shall be applicable, after expiration of time allowed for appeal and to repair, remove, demolish or vacate such dwelling, building or structure as set out in the order of the building official or the city council;
 - 3. Those buildings which have been abandoned, boarded up and vacant for one year or longer and there is no approved plan for rehabilitation, sale, demolition or other disposition of the building.
- B. No person, firm or corporation, being the owner, lessor, occupant or person in possession of or in control of any property within the city, shall keep, maintain, use, suffer or allow to exist on such property, or on any public rights-of-way adjacent to such property, any public nuisance as defined in this chapter.

(Ord. 255 § 14, 1995)

15.16.150 Violation—Misdemeanor.

Any person, firm or corporation who shall violate any provisions of this chapter or who shall fail or neglect to comply with the terms of a final order issued by the building official or the city council or Superior Court, as may be applicable, for the repair, removal, demolition or vacation of any premises within the time provided in such final order, shall be guilty of a misdemeanor.

(Ord. 255 § 15, 1995)

Chapter 15.20 CONSTRUCTION IN FLOOD HAZARD AREAS

15.20.001 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- ~~A1.~~ To protect human life and health;
- ~~B2.~~ To minimize expenditure of public money and costly flood control projects;
- ~~C3.~~ To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- ~~D4.~~ To minimize prolonged business interruptions;
- ~~E5.~~ To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- ~~F6.~~ To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- ~~G7.~~ To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- ~~H8.~~ To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 398, § 1, 6-7-2010)

15.20.005 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the interpretation of any provision of this chapter ~~or a request for a variance.~~

"Areas of shallow flooding" means a designated AO, or AH zone on the FIRM. The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

"Area of special flood hazard " or "areas of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one hundred-year flood." Designation on maps always includes the letters A or V.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"City" means the city of Millwood.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Elevated building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"FIRM" means the official map(s) on which the Federal Insurance Administration has delineated both any areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter found in Subsection 15.20.070(a).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after June 15, 2010.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

3. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

4. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 398, § 1, 6-7-2010)

15.20.010 Application of flood hazard regulations.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. No. 398, § 1, 6-7-2010)

15.20.020 Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency's Flood Insurance Study for Spokane County, Washington and Incorporated Areas dated July 6, 2010, and any other revision thereto, with accompanying FIRM, and any other revision thereto, is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the city planning department.

(Ord. No. 398, § 1, 6-7-2010)

15.20.030 Development permit and fee required.

A development permit shall be obtained before construction or development begins within any area of special flood hazard as established in Section 15.20.020. The permit shall be for all structures including mobile homes and for all development including filling, excavating and other activities as set forth in the definitions. A fee ~~of fifty dollars (\$50.00)~~ shall be assessed on all development permits in flood hazard areas.

(Ord. No. 398, § 1, 6-7-2010)

15.20.040 Application for development permit.

Application for a development permit shall be made on forms furnished by the City Planning Director / city planner and may include but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- ~~A1.~~ Elevation in relation to mean sea level of the lowest floor including basement of all structures;
- ~~B2.~~ Elevation in relation to mean sea level to which any structure has been floodproofed;
- ~~C3.~~ Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 15.20.070(~~gG~~);
- ~~D4.~~ Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 398, § 1, 6-7-2010)

15.20.050 Administration by City Planning Director / city planner.

The City Planning Director / city planner or his/her designee is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. Duties of the City Planning Director / city planner shall include but not be limited to:

- A1. Permit Review.
 - 1a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - 2b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required;
- B2. When base flood elevation data has not been provided in accordance with Section 15.20.020, the City Planning Director / city planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 15.20.070;
- C3. Where base flood elevation data is provided through the flood insurance study, FIRM, or as required in subsection (2) of this section, obtain and record the actual elevation of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement;
- D4. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Subsection 15.20.050(2B):
 - 1a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed,
 - 2b. Maintain the floodproofing certifications required in Subsection 15.20.040(3C);
- E5. Maintain for public inspection all records pertaining to the provisions of this chapter;
- F6. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- G7. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished;
- H8. Interpret, where needed, the exact locations of the boundaries of the areas of special flood hazards, such as, where there appears to be a conflict between a mapped boundary and actual conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.060.

(Ord. No. 398, § 1, 6-7-2010)

15.20.060 Appeal and Variance procedures.

- A. ~~The city council shall hear and decide appeals and requests for variances from the requirements of this chapter. Those aggrieved by the decision of the city council may appeal such decision to Superior Court of Spokane County according to the provisions of Section 21.60.130. The appeal of any decision by the City Planning Director / city planner shall be made in conformance with MMC 14.12.140.~~
- B. Refer to Section 17.44.065 to apply for a Variance from the requirements of this chapter. Variances shall only be issued upon the following conditions:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with local laws or ordinances; and
4. The variance is the minimum necessary, considering the flood hazard, to afford relief.

(Ord. No. 398, § 1, 6-7-2010)

15.20.070 Standards for flood hazard reduction in areas of special flood hazards.

- A. Anchoring.
 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors.
- B. Construction Materials and Methods.
 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within components during conditions of flooding.
- C. Utilities.
 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 4. Water wells shall be located on high ground that is not in the floodway in accordance with WAC 173.160.171, as amended.
- D. Subdivision Proposals.
 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres (whichever is less).
- E. Review of Building Permits. Where elevation data is not available either through the flood insurance study, FIRM, or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- F. Residential Construction.
1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
 2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- G. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that below one foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Subsection 15.20.040(3C);
 4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Subsection 15.20.050(4D).
 5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to one foot above the base flood level will be rated as at the base flood level).
- H. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (one hundred-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the five hundred-year flood, whichever is higher. Access to and from the critical facility should also be

protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

- I. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (aA)(2) of this section.

(Ord. No. 398, § 1, 6-7-2010)

15.20.080 Floodways.

Located within areas of special flood hazard established in Section 15.20.020 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for:
 - 1a. Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - 2b. Repairs, reconstruction, or improvements to a structure, the cost of which does not exceed fifty (50) percent of the market value of the structure either:
 - a. Before the repair, reconstruction or repair is started; or
 - b. If the structure has been damaged, and is being restored, before the damage occurred.
- C3. Work done on structures to comply with existing health, sanitary, or safety codes, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or to structures identified as historic places shall not be included in the fifty (50) percent determination.
- D4. Recreational vehicles placed on sites are required to either:
 - 1a. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - 2b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; and
 - 3e. Meet the requirements of Subsection 15.20.070(h) above and the elevation and anchoring requirements for manufactured homes.

(Ord. No. 398, § 1, 6-7-2010)

15.20.090 Compliance and enforcement.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Enforcement of the provisions of this chapter shall be in conformance with chapter 8.14 of the Millwood Municipal Code. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

(Ord. No. 398, § 1, 6-7-2010)

15.20.100 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where any provision in this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 398, § 1, 6-7-2010)

15.20.110 Interpretation.

In the interpretation and application of the provisions of this chapter, all provisions shall be:

- ~~A1.~~ Considered as minimum requirements;
- ~~B2.~~ Liberally construed in favor of the governing body; and,
- ~~C3.~~ Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 398, § 1, 6-7-2010)

15.20.120 Warning and disclaimer of liability.

The degree of flood protection required by the provisions of this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. The provisions of this chapter do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The provisions of this chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on the provisions of this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 398, § 1, 6-7-2010)



Amanda Tainio, Principal

April 7, 2026

Memo To: Millwood City Council

RE: March 2026 Planning Report

Here is a summary of the planning activities for the month of March 2026:

- Permit/license/land use application review and processing:
 - 9714 E. Dalton - Fence Permit
 - 8921 E. Euclid (MW-2025-0011) - Mixed-Use Building v3 Approval
 - 2702 N. Sipple - shop addition site plan review approval issuance
 - Misc. zoning reviews / information / other jurisdiction SEPA reviews / staff assistance
- 2026 Periodic Update
 - 3/4/26 Planning Technical Advisory Committee (PTAC) Meeting
 - Millwood Comprehensive Plan Periodic Update (Part 2) - Ordinance 558 & Exhibit A Adoption 3/12/26 / Finalization
 - Countywide Planning Policies Review for Proposed Modification - Homeownership
 - 3/18/26 Steering Committee of Elected Officials (SCEO) Meeting
 - 3/30/26 Planning Technical Advisory Committee (PTAC) - City Representative Meeting
 - Community / agency engagement & webpage updates
 - Millwood Municipal Code proposed modifications
 - 3/31/26 Special Planning Commission Meeting - Periodic Update Development Regulations Review
 - Review Existing vs. Proposed Review Processes Presentation
 - Ch. 17.06, Table of Permitted Uses (3/23/26)
 - Ch. 17.08 to 17.18, Residential Zones (3/23/26)
 - Ch. 17.20 to 17.36, Commercial Industrial Public Zones (3/23/26)
 - Ch. 17.38, General Provisions (2/19/26)
 - Title 17 Appendix A, Definitions (2/19/26)
 - Ch. 17.42, Wireless Communication Facilities (3/23/26) - added due to Table of Permitted Uses update for C-2 antennas)



Amanda Tainio, Principal

-
- 4/22/26 Special Planning Commission Meeting Notice

With best regards,

Amanda Tainio
Millwood Contract City Planner
planner@millwoodwa.us